



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Seventh Meeting Day

Thursday Afternoon

January 19, 2006

The Senate convened at 1:33 p.m., with the President Pro Tempore of the Senate, Robert D. Garton, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by President Pro Tempore of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele
Hume	Tallian
Jackman <input checked="" type="checkbox"/>	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 8: present 49; excused 1. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 246, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 10.

Page 1, line 13, strike "means an individual who".

Page 1, line 15, delete "has".

Page 1, line 16, delete "committed an offense".

Page 1, line 16, strike "described in section 4 of this chapter".

Page 1, line 16, delete "and who:" and insert "**has the meaning set forth in IC 35-38-1-7.5.**".

Page 1, delete line 17.

Delete pages 2 through 10.

Page 11, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 2. IC 11-13-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) A condition to remaining on parole is that the parolee not commit a crime during the period of parole.

(b) The parole board may also adopt, under IC 4-22-2, additional conditions to remaining on parole and require a parolee to satisfy one (1) or more of these conditions. These conditions must be reasonably related to the parolee's successful reintegration into the community and not unduly restrictive of a fundamental right.

(c) If a person is released on parole the parolee shall be given a written statement of the conditions of parole. Signed copies of this statement shall be:

(1) retained by the parolee;

(2) forwarded to any person charged with the parolee's supervision; and

(3) placed in the parolee's master file.

(d) The parole board may modify parole conditions if the parolee receives notice of that action and had ten (10) days after receipt of the notice to express the parolee's views on the proposed modification. This subsection does not apply to modification of parole conditions after a revocation proceeding under section 10 of this chapter.

(e) As a condition of parole, the parole board may require the parolee to reside in a particular parole area. In determining a parolee's residence requirement, the parole board shall:

(1) consider:

(A) the residence of the parolee prior to the parolee's incarceration; and

(B) the parolee's place of employment; and

(2) assign the parolee to reside in the county where the parolee resided prior to the parolee's incarceration unless assignment on this basis would be detrimental to the parolee's successful reintegration into the community.

(f) As a condition of parole, the parole board may require the parolee to:

(1) periodically undergo a laboratory chemical test (as defined in IC 14-15-8-1) or series of tests to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9); and

(2) have the results of any test under this subsection reported to the parole board by the laboratory.

The parolee is responsible for any charges resulting from a test

required under this subsection. However, a person's parole may not be revoked on the basis of the person's inability to pay for a test under this subsection.

(g) As a condition of parole, the parole board:

(1) may require a parolee who is a sex and violent offender (as defined in IC 5-2-12-4) to:

(A) participate in a treatment program for sex offenders approved by the parole board; and

(B) avoid contact with any person who is less than sixteen (16) years of age unless the parolee:

(i) receives the parole board's approval; or

(ii) successfully completes the treatment program referred to in clause (A); and

(2) shall:

(A) require a parolee who is an offender (as defined in IC 5-2-12-4) to register with a sheriff (or the police chief of a consolidated city) under IC 5-2-12-5;

(B) prohibit the offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of parole; ~~unless the offender obtains written approval from the parole board; and~~

(C) prohibit a parolee who is an offender convicted of a sex offense (as defined in IC 35-38-2-2.5) from residing within one (1) mile of the victim of the offender's sex offense. ~~unless the offender obtains a waiver under IC 35-38-2-2.5.~~

~~If the parole board allows the offender to reside within one thousand (1,000) feet of school property under subdivision (2)(B), the parole board shall notify each school within one thousand (1,000) feet of the offender's residence of the order.~~

(h) The address of the victim of a parolee who is an offender convicted of a sex offense (as defined in IC 35-38-2-2.5) is confidential. ~~even if the offender obtains a waiver under IC 35-38-2-2.5."~~

Page 11, line 18, delete "IC 5-2-12-9.5" and insert "IC 35-42-4-10".

Page 11, line 20, delete "Sec. 9.5." and insert "**Sec. 10. (a) As used in this section, "sexually violent predator" has the meaning set forth in IC 35-38-1-7.5.**

(b)".

Page 11, line 22, delete "property (as defined by IC 35-41-1-24.7);" and insert "**property;**".

Page 11, line 23, delete "center (as defined by IC 35-41-1-29);" and insert "**center;**".

Page 11, line 25, delete "park (as defined by IC 35-41-1-23.7);" and insert "**park;**".

Page 12, line 22, strike "has the meaning set forth in" and insert "**means a person who suffers from a mental abnormality or personality disorder that makes the individual likely to repeatedly engage in any of the offenses described in IC 5-2-12-4.**

(b) A person who:

(1) commits an offense described in IC 5-2-12-4:

(A) by using or threatening the use of deadly force;

(B) while armed with a deadly weapon; or

(C) that results in serious bodily injury to a person other than a defendant;

(2) is at least eighteen (18) years of age and commits an offense described in IC 5-2-12-4 against a child less than twelve (12) years of age; or

(3) commits an offense described in IC 5-2-12-4 while having a previous unrelated conviction for an offense described in IC 5-2-12-4 for which the person is required to register as an offender under IC 5-2-12;

is a sexually violent predator."

Page 12, strike line 23.

Page 12, line 24, strike "(b)" and insert "**(c)**".

Page 12, line 29, strike "(c)" and insert "**(d)**".

Page 12, line 31, delete "IC 5-2-12-4.5(1) or" and insert "**subsection (b).**".

Page 12, delete line 32.

Page 12, line 33, delete "(d)" and insert "**(e)**".

Page 12, line 34, delete "IC 5-2-12-4.5(1) or IC 5-2-12-4.5(2)," and insert "**subsection (b).**".

Page 12, line 38, delete "IC 5-2-12-4.5(3)." and insert "**subsection (a).**".

Page 12, line 39, delete "(e)" and insert "**(f)**".

Page 13, line 2, delete "(f)" and insert "**(g)**".

Page 13, line 3, delete "(d)" and insert "**(e)**".

Page 13, line 6, delete "(d)." and insert "**(e).**".

Page 13, delete lines 12 through 15, begin a new paragraph and insert:

"SECTION 6. IC 35-38-2-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. (a) As used in this section, "offender" means an individual convicted of a sex offense.

(b) As used in this section, "sex offense" means any of the following:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2).

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b)).

(5) Vicarious sexual gratification (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual battery (IC 35-42-4-8).

(9) Sexual misconduct with a minor as a felony (IC 35-42-4-9).

(10) Incest (IC 35-46-1-3).

(c) A condition of remaining on probation or parole after conviction for a sex offense is that the offender not reside within one (1) mile of the residence of the victim of the offender's sex offense.

(d) An offender:

(1) who will be placed on probation shall provide the sentencing court and the probation department with the address where the offender intends to reside during the period of probation:

(A) at the time of sentencing if the offender will be placed on probation without first being incarcerated; or

(B) before the offender's release from incarceration if the offender will be placed on probation after completing a term of incarceration; or

(2) who will be placed on parole shall provide the parole board with the address where the offender intends to reside during the period of parole.

(e) An offender, while on probation or parole, may not establish a ~~new~~ residence within one (1) mile of the residence of the victim of the offender's sex offense. ~~unless the offender first obtains a waiver from the~~

(1) court, if the offender is placed on probation; or
 (2) parole board, if the offender is placed on parole;
 for the change of address under subsection (f):

(f) The court or parole board may waive the requirement set forth in subsection (c) only if the court or parole board, at a hearing at which the offender is present and of which the prosecuting attorney has been notified, determines that:

- (1) the offender has successfully completed a sex offender treatment program during the period of probation or parole;
- (2) the offender is in compliance with all terms of the offender's probation or parole; and
- (3) good cause exists to allow the offender to reside within one (1) mile of the residence of the victim of the offender's sex offense.

(g) If the court or parole board grants a waiver under subsection (f), the court or parole board shall state in writing the reasons for granting the waiver. The court's written statement of its reasons shall be incorporated into the record.

(h) (f) The address of the victim of the offender's sex offense is confidential. ~~even if the court or parole board grants a waiver under subsection (f):~~

SECTION 7. IC 35-41-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as otherwise provided in this section, a prosecution for an offense is barred unless it is commenced:

- (1) within five (5) years after the commission of the offense, in the case of a Class B, Class C, or Class D felony; or
- (2) within two (2) years after the commission of the offense, in the case of a misdemeanor.

(b) A prosecution for a Class B or Class C felony that would otherwise be barred under this section may be commenced within one (1) year after the earlier of the date on which the state:

- (1) first discovers ~~the identity of evidence sufficient to charge~~ the offender with ~~the offense through~~ DNA (deoxyribonucleic acid) ~~evidence; analysis; or~~
- (2) could have discovered ~~the identity of evidence sufficient to charge~~ the offender with ~~the offense through~~ DNA (deoxyribonucleic acid) ~~evidence analysis~~ by the exercise of due diligence.

~~However, for a Class B or Class C felony in which the state first discovered the identity of an offender with DNA (deoxyribonucleic acid) evidence after the time otherwise allowed for prosecution and before July 1, 2001, the one (1) year period provided in this subsection is extended to July 1, 2002.~~

(c) A prosecution for a Class A felony may be commenced at any time.

(d) A prosecution for murder may be commenced:

- (1) at any time; and
- (2) regardless of the amount of time that passes between:
 - (A) the date a person allegedly commits the elements of murder; and
 - (B) the date the alleged victim of the murder dies.

(e) A prosecution for the following offenses is barred unless commenced before the date that the alleged victim of the offense reaches thirty-one (31) years of age:

- (1) IC 35-42-4-3(a) (Child molesting).
- (2) IC 35-42-4-5 (Vicarious sexual gratification).

(3) IC 35-42-4-6 (Child solicitation).

(4) IC 35-42-4-7 (Child seduction).

(5) IC 35-46-1-3 (Incest).

(f) A prosecution for forgery of an instrument for payment of money, or for the uttering of a forged instrument, under IC 35-43-5-2, is barred unless it is commenced within five (5) years after the maturity of the instrument.

(g) If a complaint, indictment, or information is dismissed because of an error, defect, insufficiency, or irregularity, a new prosecution may be commenced within ninety (90) days after the dismissal even if the period of limitation has expired at the time of dismissal, or will expire within ninety (90) days after the dismissal.

(h) The period within which a prosecution must be commenced does not include any period in which:

- (1) the accused person is not usually and publicly resident in Indiana or so conceals himself ~~or herself~~ that process cannot be served; ~~on him;~~
- (2) the accused person conceals evidence of the offense, and evidence sufficient to charge ~~him~~ **the person** with that offense is unknown to the prosecuting authority and could not have been discovered by that authority by exercise of due diligence; or
- (3) the accused person is a person elected or appointed to office under statute or constitution, if the offense charged is theft or conversion of public funds or bribery while in public office.

(i) For purposes of tolling the period of limitation only, a prosecution is considered commenced on the earliest of these dates:

- (1) The date of filing of an indictment, information, or complaint before a court having jurisdiction.
- (2) The date of issuance of a valid arrest warrant.
- (3) The date of arrest of the accused person by a law enforcement officer without a warrant, if the officer has authority to make the arrest.

(j) A prosecution is considered timely commenced for any offense to which the defendant enters a plea of guilty, notwithstanding that the period of limitation has expired.

SECTION 8. IC 35-42-4-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) As used in this section, "offender against children" means a person required to register as an offender under IC 5-2-12 who has been:

(1) found by a court to be a sexually violent predator under:

- (A) IC 35-38-1-7.5; or
- (B) the law of another jurisdiction that identifies the person as being likely to repeatedly commit a sex offense; or

(2) convicted of one (1) or more of the following offenses:

- (A) Child molesting (IC 35-42-4-3).
- (B) Child exploitation (IC 35-42-4-4(b)).
- (C) Child solicitation (IC 35-42-4-6).
- (D) Child seduction (IC 35-42-4-7).
- (E) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.
- (F) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (E).

(b) As used in this section, "reside" means to spend more than two (2) nights in a residence in any thirty (30) day period.

(c) **An offender against children who knowingly or intentionally:**

(1) **resides within one thousand (1,000) feet of:**

(A) **school property;**

(B) **a youth program center; or**

(C) **a public park; or**

(2) **establishes a residence within one (1) mile of the residence of the victim of the offender's sex offense;**

commits a sex offender residency offense, a Class D felony.

SECTION 9. IC 35-50-2-14, AS AMENDED BY P.L.71-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) The state may seek to have a person sentenced as a repeat sexual offender for a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, **or for an offense committed in another jurisdiction that is substantially similar to a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3**, by alleging, on a page separate from the rest of the charging instrument, that the person has accumulated one (1) prior unrelated felony conviction for a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, **or for an offense committed in another jurisdiction that is substantially similar to a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3**.

(b) After a person has been convicted and sentenced for a felony committed after sentencing for a prior unrelated felony conviction under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, **or for an offense committed in another jurisdiction that is substantially similar to a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3**, the person has accumulated one (1) prior unrelated felony conviction. However, a conviction does not count for purposes of this subsection, if:

(1) it has been set aside; or

(2) it is one for which the person has been pardoned.

(c) If the person was convicted of the offense in a jury trial, the jury shall reconvene to hear evidence in the enhancement hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall hear evidence in the enhancement hearing.

(d) A person is a repeat sexual offender if the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person had accumulated one (1) prior unrelated felony conviction under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, **or had accumulated one (1) prior unrelated conviction for an offense committed in another jurisdiction that is substantially similar to a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3**.

(e) The court may sentence a person found to be a repeat sexual offender to an additional fixed term that is the advisory sentence for the underlying offense. However, the additional sentence may not exceed ten (10) years.

SECTION 10. [EFFECTIVE JULY 1, 2006] **IC 35-42-4-10 and IC 35-42-4-11, both as added by this act, apply only to crimes committed after June 30, 2006.**

Renumber all SECTIONS consecutively.

(Reference is to SB 246 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 12, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, line 11, delete "IC 11-8-8-4)" and insert "IC 11-8-8-5)".

Page 7, line 2, delete "11-8-8-4" and insert "IC 11-8-8-5".

Page 9, between lines 8 and 9, begin a new paragraph and insert:

"(e) This subsection does not prohibit the department from sharing information available on the Indiana sex offender registry with another person."

Page 9, between lines 19 and 20, begin a new paragraph and insert:

"Sec. 3. As used in this chapter, "principal residence" means the residence where a sex offender spends the most time. The term includes a residence owned or leased by another person if the sex offender:

(1) does not own or lease a residence; or

(2) spends more time at the residence owned or leased by the other person than at the residence owned or leased by the sex offender."

Page 9, line 20, delete "Sec. 3." and insert "Sec. 4."

Page 9, line 22, delete "IC 11-8-8-7." and insert **"section 8 of this chapter."**

Page 9, line 23, delete "Sec. 4." and insert "Sec. 5."

Page 10, line 21, delete "Sec. 5." and insert "Sec. 6."

Page 10, line 29, delete "4" and insert "5".

Page 10, line 29, delete "chapter." and insert **"chapter, including a person who has been determined to be a sexually violent predator in accordance with section 20 of this chapter."**

Page 10, line 30, delete "Sec. 6." and insert "Sec. 7."

Page 10, line 30, delete "14" and insert "19".

Page 10, line 39, delete "not described in subdivision (1)".

Page 11, line 5, delete "not described in subdivision (1)".

Page 11, line 15, after "resides." insert **"If the sex offender is also required to register under subsection (a)(2) or (a)(3), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under those provisions."**

Page 11, line 21, after "county." insert **"If the sex offender is also required to register under subsection (a)(1) or (a)(3), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under those provisions."**

Page 11, line 24, after "student." insert **"If the sex offender is also required to register under subsection (a)(1) or (a)(2), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under those provisions."**

Page 11, line 27, after "located." insert **"If the sex offender is also required to register under subsection (a)(1), (a)(2), or (a)(3), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under those provisions."**

LONG, Chair

Page 11, line 33, after "(g)" insert **"This subsection does not apply to a sex offender who is a sexually violent predator."**

Page 12, line 4, after "first." insert **"A sex offender required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the sex offender's arrival in that county or acquisition of real estate in that county."**

Page 12, line 5, delete "Whenever a sex offender registers with a local law" and insert **"This subsection applies to a sex offender who is a sexually violent predator. A sex offender who is a sexually violent predator shall register not more than seventy-two (72) hours after the sex offender:**

- (1) is released from a penal facility (as defined in IC 35-41-1-21);**
- (2) is released from a secure private facility (as defined in IC 31-9-2-115);**
- (3) is released from a juvenile detention facility;**
- (4) is transferred to a community transition program;**
- (5) is placed on parole;**
- (6) is placed on probation;**
- (7) is placed on home detention; or**
- (8) arrives at the place where the sexually violent predator is required to register under subsection (b), (c), or (d);**

whichever occurs first. A sex offender who is a sexually violent predator required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the offender's arrival in that county or acquisition of real estate in that county."

Page 12, delete lines 6 through 8.

Page 12, line 11, delete "sheriffs".

Page 12, line 12, after "IC 36-2-13-5.5." insert **"The local law enforcement authority shall make a photograph of a sex offender that complies with the requirements of IC 36-2-13-5.5 at least once per year."**

Page 12, line 17, delete "sheriffs".

Page 12, line 32, delete "Sec. 7." and insert **"Sec. 8."**

Page 12, line 36, after "eye color," insert **"any scars, marks, or tattoos,"**

Page 12, line 37, delete ", and home" and insert **"or state identification number, principal residence"**.

Page 12, line 37, delete "." and insert **", and mailing address, if different from the sex offender's principal residence address."**

Page 12, line 42, delete "6(a)(2)" and insert **"7(a)(2)"**.

Page 13, line 1, delete "6(a)(3)" and insert **"7(a)(3)"**.

Page 13, line 9, after "(6)" insert **"If the sex offender is required to register for life, that the sex offender is required to register for life.**

(7)".

Page 13, line 10, delete "Sec. 8." and insert **"Sec. 9."**

Page 13, line 33, delete "three (3) days" and insert **"seventy-two (72) hours"**.

Page 14, line 12, delete "Sec. 9." and insert **"Sec. 10."**

Page 14, line 16, delete "Sec. 10." and insert **"Sec. 11."**

Page 14, line 18, delete "home" and insert **"principal residence"**.

Page 14, line 19, delete "6(a)(2)" and insert **"7(a)(2)"**.

Page 14, line 19, delete "6(a)(3)" and insert **"7(a)(3)"**.

Page 14, line 31, delete "11" and insert **"13"**.

Page 14, line 32, delete "within" and insert **"not more than"**.

Page 14, line 34, delete "6(a)(2)" and insert **"7(a)(2)"**.

Page 14, line 34, delete "6(a)(3)" and insert **"7(a)(3)"**.

Page 15, between lines 16 and 17, begin a new paragraph and insert:

"Sec. 12. (a) As used in this section, "temporary residence" means a residence:

- (1) that is established to provide transitional housing for a person without another residence; and**
- (2) in which a person is not typically permitted to reside for more than thirty (30) days in a sixty (60) day period.**

(b) This section applies only to a sex offender who resides in a temporary residence. In addition to the other requirements of this chapter, a sex offender who resides in a temporary residence shall register in person with the local law enforcement authority in which the temporary residence is located:

- (1) not more than seventy-two (72) hours after the sex offender moves into the temporary residence; and**
- (2) during the period in which the sex offender resides in a temporary residence, at least once every seven (7) days following the sex offender's initial registration in subdivision (1).**

(c) A sex offender's obligation to register in person once every seven (7) days terminates when the sex offender no longer resides in the temporary residence. However, all other requirements imposed on a sex offender by this chapter continue in force, including the requirement that a sex offender register the sex offender's new address with the local law enforcement authority."

Page 15, line 17, delete "Sec. 11." and insert **"Sec. 13."**

Page 15, line 22, delete "14" and insert **"11 or 20"**.

Page 15, line 35, delete "15" and insert **"11 or 20"**.

Page 16, between lines 2 and 3, begin a new line block indented and insert:

"(3) Personally visit each sex offender in the county at the sex offender's listed address at least one (1) time per year, beginning seven (7) days after the local law enforcement authority receives a notice under section 14 of this chapter or the date the sex offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;**
 - (B) placed in a community transition program;**
 - (C) placed in a community corrections program;**
 - (D) placed on parole; or**
 - (E) placed on probation;**
- whichever occurs first.**

(4) Personally visit each sex offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 15 of this chapter or the date the sex offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;**
- (B) placed in a community transition program;**

- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first."

Page 16, line 4, after "person," insert "not later than fourteen (14) days after mailing, or appears not to reside at the listed address,".

Page 16, between lines 5 and 6, begin a new paragraph and insert:
 "Sec. 14. At least once per calendar year, a sex offender who is required to register under this chapter shall:

- (1) report in person to the local law enforcement authority;
- (2) register; and
- (3) be photographed by the local law enforcement authority;

in each location where the offender is required to register.

Sec. 15. (a) A sex offender who is a resident of Indiana shall obtain and keep in the sex offender's possession:

- (1) a valid Indiana driver's license; or
- (2) a valid Indiana identification card (as described in IC 9-24-16).

(b) A sex offender required to register in Indiana who is not a resident of Indiana shall obtain and keep in the sex offender's possession:

- (1) a valid driver's license issued by the state in which the sex offender resides; or
- (2) a valid state issued identification card issued by the state in which the sex offender resides.

(c) A person who knowingly or intentionally violates this section commits failure of a sex offender to possess identification, a Class A misdemeanor. However, the offense is a Class D felony if the person:

- (1) is a sexually violent predator; or
- (2) has a prior unrelated conviction:
 - (A) under this section; or
 - (B) based on the person's failure to comply with any requirement imposed on an offender under this chapter.

(d) It is a defense to a prosecution under this section that:

- (1) the person has been unable to obtain a valid driver's license or state issued identification card because less than thirty (30) days have passed since the person's release from incarceration; or
- (2) the person possesses a driver's license or state issued identification card that expired not more than thirty (30) days before the date the person violated subsection (a) or (b)."

Page 16, line 6, delete "Sec. 12." and insert "Sec. 16.".

Page 16, line 12, delete "Sec. 13." and insert "Sec. 17.".

Page 16, line 12, delete "intentionally fails to" and insert "intentionally:".

Page 16, delete line 13.

Page 16, line 14, after "(1)" insert "fails to register".

Page 16, line 14, delete "or".

Page 16, line 15, after "(2)" insert "fails to register".

Page 16, between lines 16 and 17, begin a new line block indented and insert:

- "(3) makes a material misstatement or omission while registering as a sex offender under this chapter; or

- (4) fails to register in person and be photographed at least one (1) time per year as required under this chapter;".

Page 16, line 18, after "unrelated" insert "conviction for an".

Page 16, line 18, delete "section." and insert "section or based on the person's failure to comply with any requirement imposed on a sex offender under this chapter.".

Page 16, between lines 18 and 19, begin a new paragraph and insert:

"Sec. 18. (a) A sexually violent predator who will be absent from the sexually violent predator's principal residence for more than seventy-two (72) hours shall inform the local law enforcement authority, in person or in writing, of the following:

- (1) That the sexually violent predator will be absent from the sexually violent predator's principal residence for more than seventy-two (72) hours.

- (2) The location where the sexually violent predator will be located during the absence from the sexually violent predator's principal residence.

- (3) How long the sexually violent predator will be absent from the sexually violent predator's principal residence.

(b) A sexually violent predator who will spend more than seventy-two (72) hours in a county in which the sexually violent predator is not required to register shall inform the local law enforcement authority in the county in which the sexually violent predator is not required to register, in person or in writing, of the following:

- (1) That the sexually violent predator will spend more than seventy-two (72) hours in the county.

- (2) The location where the sexually violent predator will be located while spending time in the county.

- (3) How long the sexually violent predator will remain in the county.

Upon request of the local law enforcement authority of the county in which the sexually violent predator is not required to register, the sexually violent predator shall provide the local law enforcement authority with any additional information that will assist the local law enforcement authority in determining the sexually violent predator's whereabouts during the sexually violent predator's stay in the county.

(c) A sexually violent predator who knowingly or intentionally violates this section commits failure to notify, a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction under this section based on the person's failure to comply with any requirement imposed on a sex offender under this chapter."

Page 16, line 19, delete "Sec. 14." and insert "Sec. 19.".

Page 16, line 32, delete "found to be".

Page 16, line 33, delete "by a court under IC 35-38-1-7.5(b)".

Page 17, line 10, delete "Sec. 15." and insert "Sec. 20.".

Page 18, line 39, delete "IC 11-8-8-4)" and insert "IC 11-8-8-5)".

Page 19, line 7, delete "IC 11-8-8-4)" and insert "IC 11-8-8-5)".

Page 19, line 31, delete "IC 11-8-8-4." and insert "IC 11-8-8-5".

Page 22, line 37, delete "IC 11-8-8-4)." and insert "IC 11-8-8-5)".

Page 23, line 6, delete "IC 11-8-8-4" and insert "IC 11-8-8-5".

Page 23, line 8, delete "IC 11-8-8-4" and insert "IC 11-8-8-5".

Page 23, line 33, delete "IC 11-8-8-4," and insert "IC 11-8-8-5".

Page 24, line 12, delete "IC 11-8-8-5." and insert "IC 11-8-8-6.".

Page 24, line 42, delete "IC 11-8-8-4)," and insert "**IC 11-8-8-5)**,".
 Page 25, line 3, delete "IC 11-8-8-6;" and insert "**IC 11-8-8;**".
 Page 25, line 15, delete "IC 11-8-8-4)" and insert "**IC 11-8-8-5)**".
 Page 29, line 22, delete "IC 11-8-8-4)" and insert "**IC 11-8-8-5)**".
 Page 30, line 15, delete "IC 11-8-8-4)" and insert "**IC 11-8-8-5)**".
 Page 30, line 33, delete "IC 11-8-8-4)" and insert "**IC 11-8-8-5)**".
 Page 30, line 35, delete "IC 11-8-8-6." and insert "**IC 11-8-8-7.**".
 Page 30, line 36, delete "IC 11-8-8-4." and insert "**IC 11-8-8-5.**".
 Page 31, line 26, delete "IC 11-8-8-7" and insert "**IC 11-8-8-8**".
 (Reference is to SB 12 as printed January 11, 2006.)
 Page 32, line 16, delete "IC 11-8-8-13," and insert "**IC 11-8-8-15, IC 11-8-8-17, and IC 11-8-8-18, all**".
 and when so amended that said bill do pass.
 Committee Vote: Yeas 10, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 6, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 6, line 30, delete "parole," and insert "parole;".
 Page 6, line 30, strike "unless the offender obtains written".
 Page 6, line 31, strike "approval from the parole board;".
 Page 6, line 34, after "offense" insert ".".
 Page 6, line 34, strike "unless".
 Page 6, strike lines 35 through 39.
 Page 6, line 42, delete "confidential," and insert "confidential".
 Page 6, line 42, strike "even if the offender obtains a waiver under".
 Page 7, strike line 1.
 Page 7, line 5, delete "of" and insert "**of:**
(A)".
 Page 7, line 6, delete "(IC 35-42-4-3)" and insert "**(IC 35-42-4-3) if the person was at least eighteen (18) years of age at the time the person committed the offense;**".
 Page 7, line 6, delete "of", begin a new line double block indented, and insert:
"(B)".
 Page 7, line 7, delete "molesting;" and insert "**molesting if the person was at least eighteen (18) years of age at the time the person committed the offense;**".
 Page 7, line 8, delete "defined" and insert "**described**".
 Page 7, line 8, after "IC 35-38-2.5-3)" delete "." and insert "**that can transmit information twenty-four (24) hours each day regarding a person's precise location.**".
 Page 7, between lines 8 and 9, begin a new paragraph and insert:
"SECTION 3. IC 35-38-2-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. (a) As used in this section, "offender" means an individual convicted of a sex offense.
(b) As used in this section, "sex offense" means any of the following:

- (1) Rape (IC 35-42-4-1).
 - (2) Criminal deviate conduct (IC 35-42-4-2).
 - (3) Child molesting (IC 35-42-4-3).
 - (4) Child exploitation (IC 35-42-4-4(b)).
 - (5) Vicarious sexual gratification (IC 35-42-4-5).
 - (6) Child solicitation (IC 35-42-4-6).
 - (7) Child seduction (IC 35-42-4-7).
 - (8) Sexual battery (IC 35-42-4-8).
 - (9) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
 - (10) Incest (IC 35-46-1-3).
- (c) A condition of remaining on probation or parole after conviction for a sex offense is that the offender not reside within one (1) mile of the residence of the victim of the offender's sex offense.
- (d) An offender:
- (1) who will be placed on probation shall provide the sentencing court and the probation department with the address where the offender intends to reside during the period of probation:
 - (A) at the time of sentencing if the offender will be placed on probation without first being incarcerated; or
 - (B) before the offender's release from incarceration if the offender will be placed on probation after completing a term of incarceration; or
 - (2) who will be placed on parole shall provide the parole board with the address where the offender intends to reside during the period of parole.
- (e) An offender, while on probation or parole, may not establish a new residence within one (1) mile of the residence of the victim of the offender's sex offense. ~~unless the offender first obtains a waiver from the:~~
- (1) court; if the offender is placed on probation; or
 - (2) parole board; if the offender is placed on parole;
- for the change of address under subsection (f):
- (f) The court or parole board may waive the requirement set forth in subsection (c) only if the court or parole board, at a hearing at which the offender is present and of which the prosecuting attorney has been notified, determines that:
- (1) the offender has successfully completed a sex offender treatment program during the period of probation or parole;
 - (2) the offender is in compliance with all terms of the offender's probation or parole; and
 - (3) good cause exists to allow the offender to reside within one (1) mile of the residence of the victim of the offender's sex offense.
- (g) If the court or parole board grants a waiver under subsection (f), the court or parole board shall state in writing the reasons for granting the waiver. The court's written statement of its reasons shall be incorporated into the record.
- (h) (f) The address of the victim of the offender's sex offense is confidential. ~~even if the court or parole board grants a waiver under subsection (f).~~
- Page 7, line 13, after "parole" insert "**that involves direct or indirect contact with a child less than sixteen (16) years of age or with the victim of a sex crime described in IC 5-2-12-4 that was committed by the person**".
- Page 7, line 19, delete "if:" and insert "if".
- Page 7, line 20, delete "(1)".

Page 7, run in lines 19 through 20.

Page 7, delete line 21 and insert "section".

Page 7, delete lines 22 through 32.

Page 8, line 20, delete "(IC 35-42-4-3)." and insert **"(IC 35-42-4-3) who was at least eighteen (18) years of age at the time the person committed the offense."**

Page 8, line 25, delete "(IC 35-42-4-3)." and insert **"(IC 35-42-4-3) who was at least eighteen (18) years of age at the time the person committed the offense."**

Page 8, line 26, after "molesting" insert **"who was at least eighteen (18) years of age at the time the person committed the offense"**.

Page 8, line 32, delete "(IC 35-42-4-3)." and insert **"(IC 35-42-4-3) if the person was at least eighteen (18) years of age at the time the person committed the offense."**

Page 8, line 38, after "molesting" insert **"and who was at least eighteen (18) years of age at the time the person committed the offense"**.

Page 8, line 40, delete "Indiana," and insert **"Indiana who was at least eighteen (18) years of age at the time the person committed the offense,"**.

Page 9, line 1, delete "defined" and insert **"described"**.

Page 9, line 1, after "IC 35-38-2.5-3)" delete "." and insert **"that can transmit information twenty-four (24) hours each day regarding a person's precise location."**

Page 9, line 26, delete "person:" and insert **"person who commits a crime after June 30, 2006."**

Page 9, delete lines 27 through 29.

Renumber all SECTIONS consecutively.

(Reference is to SB 6 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 9, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 332, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 9, delete "As" and insert **"(a) Except as provided in subsection (b), as"**.

Page 2, between lines 14 and 15, begin a new paragraph and insert: **"(b) The term does not include an employee of the department who is a teacher and a member of the Indiana state teachers' retirement fund."**

Page 3, between lines 11 and 12, begin a new line blocked left and insert:

"However, an employee of the department who is a teacher and a member of the Indiana state teachers' retirement fund may not become a member of the fund established under this chapter."

Page 6, line 20, delete "Each" and insert **"Except as provided in subsection (c), each"**.

Page 6, line 26, delete "Each" and insert **"Except as provided in subsection (c), each"**.

Page 6, between lines 32 and 33, begin a new paragraph and insert: **"(c) An individual who is a teacher and a member of the Indiana state teachers' retirement fund may not become a member of the fund."**

Page 6, line 36, delete "or the Indiana state" and insert ".".

Page 6, delete line 37.

Page 6, line 39, delete "or the" and insert ".".

Page 6, delete line 40.

Page 7, line 2, delete "or the Indiana state teachers'" and insert ".".

Page 7, delete line 3.

Page 7, line 6, delete "or the Indiana state teachers' retirement fund".

Page 7, line 11, delete "or the Indiana state" and insert ".".

Page 7, delete line 12.

Page 8, line 40, delete "or the Indiana state teachers' retirement fund".

Page 9, line 8, delete "or the".

Page 9, line 9, delete "Indiana state teachers' retirement fund".

Page 9, line 17, delete "or the Indiana state teachers' retirement fund".

Page 13, line 9, delete "or the" and insert ",".

Page 13, line 10, delete "Indiana state teachers' retirement fund,".

Page 13, line 14, delete "or the Indiana state teacher's" and insert ".".

Page 13, delete line 15.

Page 13, line 19, delete "or the Indiana state teacher's retirement fund".

Page 14, line 5, delete "or the Indiana state teachers'" and insert ";".

Page 14, line 6, delete "retirement fund;".

Page 14, line 8, delete "or the".

Page 14, line 9, delete "Indiana state teachers' retirement fund".

Page 15, line 42, delete "or the Indiana state teachers' retirement fund".

Page 16, line 2, delete "or the Indiana state".

Page 16, line 3, delete "teachers' retirement fund".

Page 19, line 4, after "correction" insert **", other than an employee who is a teacher and a member of the Indiana state teachers' retirement fund,"**.

Page 19, line 11, after "department" insert **", other than an employee who is a teacher and a member of the Indiana state teachers' retirement fund,"**.

Page 19, line 31, after "correction" insert **", other than an employee who is a teacher and a member of the Indiana state teachers' retirement fund,"**.

Page 20, line 9, after "correction" insert **", other than an employee who is a teacher and a member of the Indiana state teachers' retirement fund,"**.

Page 20, line 29, after "correction" insert **", other than an employee who is a teacher and a member of the Indiana state teachers' retirement fund,"**.

(Reference is to SB 332 as introduced.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 9, Nays 0.

HARRISON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 75, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

- Page 1, delete lines 1 through 17.
- Delete page 2.
- Page 3, delete lines 1 through 5.
- Page 3, line 42, delete "trust".
- Page 4, line 4, delete "Trust".
- Page 4, line 26, delete "trust".
- Page 4, line 30, delete "trust".
- Page 4, line 32, after "other" insert **"essential family support"**.
- Page 5, delete line 1.
- Page 5, line 2, delete "(2)" and insert **"(1)"**.
- Page 5, line 3, delete "(3)" and insert **"(2)"**.
- Page 5, line 4, delete "(4)" and insert **"(3)"**.
- Page 5, line 5, delete "(5)" and insert **"(4)"**.
- Page 5, line 6, delete "(6)" and insert **"(5)"**.
- Page 5, delete lines 8 through 9.
- Page 5, line 10, delete "(c)" and insert **"(b)"**.
- Page 5, delete lines 14 through 16.
- Page 5, line 17, delete "(e)" and insert **"(c)"**.
- Page 5, line 19, delete "(f) Except as provided by an enactment of the general assembly," and insert **"(d)"**.
- Page 5, line 20, delete "there" and insert **"There"**.
- Page 5, line 21, after "fund" insert **"received from donations"**.
- Page 5, between lines 32 and 33, begin a new paragraph and insert:
"Sec. 11. The director or a member of the commission may make a request to the general assembly for an appropriation to the fund."
- Page 5, delete lines 33 through 35.
- Page 6, after line 4, begin a new paragraph and insert:
"SECTION 4. [EFFECTIVE UPON PASSAGE] The director of veterans' affairs, after consultation with the veterans' affairs commission, shall report to the budget committee before August 1, 2006, on the topics described in IC 10-17-12-10, as added by this act.
- SECTION 5. An emergency is declared for this act."**
- Re-number all SECTIONS consecutively.
- (Reference is to SB 75 as introduced.)
- and when so amended that said bill do pass.
- Committee Vote: Yeas 11, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 362, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

- Page 2, line 17, after "issued" delete "." and insert **"or renewed."**.
- Page 3, between lines 11 and 12, begin a new paragraph and insert:
"SECTION 2. IC 6-2.5-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. A certificate issued under section 3 or 4 of this chapter is valid so long as the

business or exempt organization is in existence."

Page 4, between lines 10 and 11, begin a new paragraph and insert:
"SECTION 4. IC 6-8.1-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) As used in this section, "letter of finding" includes a supplemental letter of finding.

~~(a)~~ **(b)** If the department reasonably believes that a person has not reported the proper amount of tax due, the department shall make a proposed assessment of the amount of the unpaid tax on the basis of the best information available to the department. The amount of the assessment is considered a tax payment not made by the due date and is subject to IC 6-8.1-10 concerning the imposition of penalties and interest. The department shall send the person a notice of the proposed assessment through the United States mail.

~~(b)~~ **(c)** If the person has a surety bond guaranteeing payment of the tax for which the proposed assessment is made, the department shall furnish a copy of the proposed assessment to the surety. The notice of proposed assessment is prima facie evidence that the department's claim for the unpaid tax is valid. The burden of proving that the proposed assessment is wrong rests with the person against whom the proposed assessment is made.

~~(c)~~ **(d)** The notice shall state that the person has ~~sixty (60)~~ **thirty (30)** days from the date the notice is mailed to pay the assessment or to file a written protest. If the person files a protest and requires a hearing on the protest, the department shall:

- (1) set the hearing at the department's earliest convenient time; and
- (2) notify the person by United States mail of the time, date, and location of the hearing.

~~(d)~~ **(e)** The department may hold the hearing at the location of its choice within Indiana if that location complies with IC 6-8.1-3-8.5.

~~(e)~~ **(f)** No later than sixty (60) days after conducting a hearing on a protest, or after making a decision on a protest when no hearing is requested, the department shall issue a letter of findings and shall send a copy of the letter through the United States mail to the person who filed the protest and to the person's surety, if the surety was notified of the proposed assessment under subsection ~~(a)~~ **(b)**. The department may continue the hearing until a later date if the taxpayer presents additional information at the hearing or the taxpayer requests an opportunity to present additional information after the hearing.

~~(f)~~ **(g)** A person that disagrees with a decision in a letter of finding may request a rehearing not more than thirty (30) days after the date on which the letter of finding is issued by the department. The department shall consider the request and may grant the rehearing if the department reasonably believes that a rehearing would be in the best interests of the taxpayer and the state.

~~(g)~~ **(h)** If a person disagrees with a decision in a letter of finding, the person may appeal the decision to the tax court. However, the tax court does not have jurisdiction to hear an appeal that is filed more than ~~one hundred eighty (180)~~ **forty-five (45)** days after the date on which:

- (1) the letter of finding is issued by the department, **if the person does not make a timely request for a rehearing under subsection (g) on the letter of finding; or**
- (2) the department issues a denial of the person's timely request for a rehearing under subsection (g) on the letter of finding.

~~(f)~~ **(i)** The tax court shall hear an appeal under subsection ~~(g)~~ **(h)** de novo and without a jury. The tax court may do the following:

- (1) Uphold or deny any part of the assessment that is appealed.
- (2) Assess the court costs in a manner that the court believes to be equitable.
- (3) Enjoin the collection of a listed tax under IC 33-26-6-2.

~~(j)~~ **(j)** The department shall demand payment, as provided in IC 6-8.1-8-2(a), of any part of the proposed tax assessment, interest, and penalties that it finds owing because:

- (1) the person failed to properly respond within the ~~sixty (60)~~ **thirty (30)** day period;
- (2) the person requested a hearing but failed to appear at that hearing; or
- (3) after consideration of the evidence presented in the protest or hearing, the department finds that the person still owes tax.

~~(k)~~ **(k)** The department shall make the demand for payment in the manner provided in IC 6-8.1-8-2.

~~(l)~~ **(l)** Subsection ~~(a)~~ **(b)** does not apply to a motor carrier fuel tax return."

Page 12, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 9. IC 6-8.1-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) If the department finds that a person has paid more tax for a taxable year than is legally due, the department shall apply the amount of the excess against any amount of that same tax that is assessed and is currently due. The department may then apply any remaining excess against any of the listed taxes that have been assessed against the person and that are currently due. If any excess remains after the department has applied the overpayment against the person's tax liabilities, the department shall either refund the amount to the person or, at the person's request, credit the amount to the person's future tax liabilities.

(b) If a court determines that a person has paid more tax for a taxable year than is legally due, the department shall refund the excess amount to the person.

(c) An excess tax payment that is not refunded or credited against a current or future tax liability within ninety (90) days after the date the refund claim is filed, the date the tax payment was due, or the date the tax was paid, whichever is latest, accrues interest from the date the ~~tax payment was due or the date the tax was paid; whichever refund claim is later filed~~ at the rate established under IC 6-8.1-10-1 until a date, determined by the department, that does not precede by more than thirty (30) days, the date on which the refund or credit is made.

(d) As used in subsection (c), "refund claim" includes an amended return that indicates an overpayment of tax."

Renumber all SECTIONS consecutively.

(Reference is to SB 362 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 148, has had the same under consideration and begs leave to report the same back to the Senate

with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 3 with "[EFFECTIVE UPON PASSAGE]".

Page 2, line 3, delete "This subsection applies only to the county specified in".

Page 2, line 4, delete "subsection (a)(1)".

Page 2, line 19, delete "(b)(1)" and insert **"(b)"**.

Page 2, line 21, delete "This subsection applies only to the county specified in".

Page 2, line 22, delete "subsection (a)(1)".

Page 2, line 35, delete "This subsection applies only to the county specified in".

Page 2, line 36, delete "subsection (a)(2)".

Page 2, line 40, strike "or".

Page 3, line 2, delete "paid." and insert "paid; **or**".

Page 3, between lines 2 and 3, begin a new line block indented and insert:

"(3) an ordinance adopted under subsection (c) is rescinded."

Page 3, line 25, delete "This subsection applies only to a county that has not made".

Page 3, line 26, delete "a determination under subsection (c)".

Page 3, strike lines 27 through 36.

Page 3, line 37, before "shall" insert **"money remaining in the criminal justice facilities revenue fund established under subsection (h) after the tax imposed by this section is terminated under subsection (f)"**.

Renumber all SECTIONS consecutively.

(Reference is to SB 148 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 117, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 2, after "Sec." insert "1."

Page 1, line 6, delete "except as" and insert **"other than health benefits provided by the employer;"**.

Page 1, delete line 7.

Page 1, line 8, delete "and Accountability Act of 1996 (P.L. 104-191);".

Page 1, run in lines 6 through 8.

(Reference is to SB 117 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 2.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill 234, has had the same under consideration and begs leave to report the same back

to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-21.5-2-5, AS AMENDED BY P.L.4-2005, SECTION 19, P.L.229-2005, SECTION 1, AND P.L.235-2005, SECTION 60, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. This article does not apply to the following agency actions:

- (1) The issuance of a warrant or jeopardy warrant for the collection of taxes.
- (2) A determination of probable cause or no probable cause by the civil rights commission.
- (3) A determination in a factfinding conference of the civil rights commission.
- (4) A personnel action, except review of a personnel action by the state employees appeals commission under IC 4-15-2 or a personnel action that is not covered by IC 4-15-2 but may be taken only for cause.
- (5) A resolution, directive, or other action of any agency that relates solely to the internal policy, organization, or procedure of that agency or another agency and is not a licensing or enforcement action. Actions to which this exemption applies include the statutory obligations of an agency to approve or ratify an action of another agency.
- (6) An agency action related to an offender within the jurisdiction of the department of correction.
- (7) A decision of the Indiana economic development corporation, *the office of tourism development*, the department of environmental management, the tourist information and grant fund review committee **(before the repeal of the statute that created the tourist information and grant fund review committee)**, the Indiana ~~development~~ finance authority, the corporation for innovation development, or the lieutenant governor that concerns a grant, loan, bond, tax incentive, or financial guarantee.
- (8) A decision to issue or not issue a complaint, summons, or similar accusation.
- (9) A decision to initiate or not initiate an inspection, investigation, or other similar inquiry that will be conducted by the agency, another agency, a political subdivision, including a prosecuting attorney, a court, or another person.
- (10) A decision concerning the conduct of an inspection, investigation, or other similar inquiry by an agency.
- (11) The acquisition, leasing, or disposition of property or procurement of goods or services by contract.
- (12) Determinations of the department of workforce development under IC 22-4-18-1(g)(1), IC 22-4-40, or IC 22-4-41.
- (13) A decision under IC 9-30-12 of the bureau of motor vehicles to suspend or revoke ~~the~~ a driver's license, a driver's permit, a vehicle title, or a vehicle registration of an individual who presents a dishonored check.
- (14) An action of the department of financial institutions under IC 28-1-3.1 or a decision of the department of financial institutions to act under IC 28-1-3.1.

(15) A determination by the NVRA official under IC 3-7-11 concerning an alleged violation of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg) or IC 3-7.

(16) Imposition of a civil penalty under IC 4-20.5-6-8 if the rules of the Indiana department of administration provide an administrative appeals process.

(17) A determination of status as a member of or participant in an environmental performance based program developed and implemented under IC 13-27-8."

Page 11, between lines 6 and 7, begin a new line double block indented and insert:

"(B) Waste minimization."

Page 11, line 7, delete "(B)" and insert "(C)".

Page 11, line 8, delete "(C)" and insert "(D)".

Page 12, line 3, after "prevention" insert **"and waste minimization"**.

Page 12, between lines 4 and 5, begin a new paragraph and insert: "SECTION 13. P.L.231-2003, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: SECTION 4.

(a) As used in this SECTION, "board" refers to the water pollution control board established by IC 13-18-1.

(b) All waters designated under 327 IAC 2-1.5-19(b) as outstanding state resource waters shall be maintained and protected in their present quality in accordance with the antidegradation implementation procedures for the outstanding state resource waters established by the board for waters in the Great Lakes system. ~~This SECTION does not affect~~ **Nothing except IC 13-18-3-2 affects** the authority of the board to amend 327 IAC 5-2-11.7. Any rule adopted by the board contrary to this standard is void.

(c) All waters designated as outstanding state resource waters under 327 IAC 2-1-2(3) and waters designated as exceptional use waters under 327 IAC 2-1-6(i) shall be maintained and protected in accordance with 327 IAC 2-1-2(1) and 327 IAC 2-1-2(2). If a permittee seeks a new or increased discharge for which a new or increased permit limit is required and that amounts to a significant lowering of water quality, the permittee shall demonstrate an overall improvement in water quality in the outstanding state resource water or exceptional use water, subject to:

- (1) the approval of the department of environmental management; and
- (2) IC 13-18-3-2(m)(2)(A) and IC 13-18-3-2(m)(2)(B).

(d) Any rule adopted by the board before ~~the effective date of this SECTION~~ **July 1, 2006**, is void to the extent that it:

- (1) is inconsistent with this SECTION; or
- (2) requires protection of waters beyond the protection required by 327 IAC 2-1-2(1) and 327 IAC 2-1-2(2).

(e) Before July 1, ~~2004~~, **2008**, the board shall amend 327 IAC 2-1-2, 327 IAC 2-1-6, and 327 IAC 2-1.5-4 to reflect this SECTION.

(f) This SECTION expires on the earlier of:

- (1) the effective date of the rule amendments adopted by the board under subsection (e); or
- (2) July 1, ~~2006~~, **2008**.

SECTION 14. P.L.231-2003, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: SECTION 5.

(a) Until July 1, ~~2004~~, **2008**, the following apply to a water body designated before October 1, 2002, as an exceptional use water:

(1) The water body is subject to the overall water quality improvement provisions of IC 13-18-3-2(l).

(2) The water body is not subject to a standard of having its water quality maintained and protected without degradation consistent with the provisions of P.L.140-2000.

(b) Before July 1, ~~2004~~, **2008**, the water pollution control board established under IC 13-18-1 shall:

(1) determine whether, effective July 1, ~~2004~~, **2008**, to designate as an outstanding state water each water designated before October 1, 2002, as an exceptional use water under 327 IAC 2-1-11; and

(2) complete rulemaking to make any designation determined under subdivision (1).

(c) This SECTION expires July 1, ~~2006~~, **2008**.

Renumber all SECTIONS consecutively.

(Reference is to SB 234 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 2.

GARD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 147, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 14, delete "if" and insert "**in cases of fraud by**".

Page 1, line 15, delete "has been charged with or convicted of fraud".

Page 2, line 9, after "(B)" insert "**if ascertainable**".

Page 2, line 27, delete "if" and insert "**in cases of fraud by**".

Page 2, line 27, delete "has".

Page 2, line 28, delete "been charged with or convicted of fraud".

Page 2, line 39, after "(B)" insert "**if ascertainable**".

(Reference is to SB 147 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill 191, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between lines 15 and 16, begin a new paragraph and insert: "SECTION 2. IC 10-13-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) As used in this chapter, "limited criminal history" means information with respect to any arrest or criminal charge, which must include:

(1) a disposition; and

(2) **a photograph of the person who is the subject of the limited criminal history, if a photograph is available.**

(b) However, the term includes information about any arrest or criminal charge that occurred less than one (1) year before the date of

a request even if no disposition has been entered."

Page 2, line 5, delete "At" and insert "**Except as provided in subsection (e), at**".

Page 2, after line 18, begin a new paragraph and insert:

"(e) Notwithstanding subsections (c) and (d):

(1) the department is not required to process; and

(2) a sheriff, police department, or criminal justice agency is not required to submit;

a photograph under this section unless the department has sufficient funding available to process photographs submitted under this section."

Renumber all SECTIONS consecutively.

(Reference is to SB 191 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Senate Bill 370, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 10, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 13. IC 22-4-18.1-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. (a) This section applies to a meeting of the council at which at least four (4) members of the council are physically present at the place where the meeting is conducted.**

(b) A member of the council may participate in a meeting of the council using a means of communication that permits:

(1) all other members of the council participating in the meeting; and

(2) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(c) A member who participates in a meeting under subsection (b) is considered to be present at the meeting and may vote on any matter properly presented during the meeting.

(d) The memorandum of the meeting prepared under IC 5-14-1.5-4 must also state the name of each member who:

(1) was physically present at the place where the meeting was conducted;

(2) participated in the meeting using a means of communication described in subsection (b); and

(3) was absent."

Page 12, line 34, after "executive of a" insert "**second or third class**".

Page 12, line 35, delete "(5,000);" and insert "**(5,000) and is located in a regional workforce area;**".

Page 14, line 11, after "based" insert "**or faith based**".

Page 15, line 6, delete "All of the local elected officials" and insert "**Each county**".

Page 15, line 7, delete "agreement," and insert **"agreement of all the local elected officials in that county,"**.

Page 15, line 11, delete "five" and insert **"one"**.

Page 15, line 11, delete "(500,000)" and insert **"(100,000)"**.

Page 15, line 15, delete "one" and insert **"five"**.

Page 15, line 15, delete "(100,000)" and insert **"(500,000)"**.

Page 16, line 1, delete "Assist in the selection of" and insert **"Select"**.

Page 16, line 1, after "operator" insert **"on behalf of its workforce investment board"**.

Page 16, line 3, delete "Assist in the selection of" and insert **"Select"**.

Page 16, line 5, after "providers" insert **"on behalf of its workforce development board"**.

Page 16, line 8, delete "Assist in the oversight of" and insert **"Oversee on behalf of its workforce investment board"**.

Page 16, line 10, delete "Assist in the development of" and insert **"Develop an"**.

Page 16, line 10, delete "plans" and insert **"plan"**.

Page 16, line 11, delete "encourage" and insert **"encourages"**.

Renumber all SECTIONS consecutively.

(Reference is to SB 370 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 5, Nays 4.

FORD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 2, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 5.

Page 6, delete lines 1 through 10.

Page 6, line 18, after "sale" insert **"or rent"**.

Page 7, delete lines 2 through 7.

Renumber all SECTIONS consecutively.

(Reference is to SB 2 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 295, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "and maintaining".

(Reference is to SB 295 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill 87, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 2. IC 4-4-9.7-1, AS ADDED BY P.L.83-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter, "director" refers to the director of the office of **community and** rural affairs appointed under section 5 of this chapter.

SECTION 3. IC 4-4-9.7-2, AS ADDED BY P.L.83-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "office" refers to the office of **community and** rural affairs established by section 4 of this chapter.

SECTION 4. IC 4-4-9.7-4, AS ADDED BY P.L.83-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The office of **community and** rural affairs is established.

SECTION 5. IC 4-4-9.7-6, AS ADDED BY P.L.83-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. The office shall do the following:

(1) Administer the rural **economic** development fund under ~~IC 4-4-9: section 9 of this chapter.~~

(2) Administer the rural development administration fund under ~~IC 4-4-9.3:~~

(3) Provide administrative and staff support for the Indiana rural development council under ~~IC 4-4-9.5:~~

(4) (2) Administer the Indiana main street program under IC 4-4-16.

(5) (3) Administer the community development block grant program.

(6) Administer the duties of the high speed communications director."

Page 2, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 7. IC 4-4-9.7-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. The director shall establish a board to advise the office in the implementation of the duties of the office.

SECTION 8. IC 4-4-9.7-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The rural economic development fund is established for the purpose of enhancing and developing rural communities. The fund shall be administered by the office.

(b) The expenses of administering the fund shall be paid from the money in the fund.

(c) Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund under IC 5-10.3-5. The treasurer of state may contract with investment management professionals, investment advisers, and legal counsel to assist in the management of the fund and may pay the state expenses incurred under those contracts.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) Money in the fund may be used for the following purposes:

(1) To create, assess, and assist a pilot project to enhance the economic and community development in a rural area.

(2) To establish a local revolving loan fund for:

(A) an industrial;

(B) a commercial;

(C) an agricultural; or

(D) a tourist;

venture.

(3) To provide a loan for an economic development project in a rural area.

(4) To provide technical assistance to a rural organization.

(5) To assist in the development and creation of a rural cooperative.

(6) To address rural workforce development challenges.

(7) To assist in addressing telecommunications needs in a rural area.

(8) To provide funding for rural economic development projects concerning the following issues:

(A) Infrastructure, including water, wastewater, and storm water infrastructure needs.

(B) Housing.

(C) Health care.

(D) Local planning.

(E) Land use.

(F) Other rural economic development issues, as determined by the office.

(9) To provide funding for the establishment of new regional rural development groups and the operation of existing regional rural development groups.

(f) Expenditures from the fund are subject to appropriation by the general assembly and approval by the office."

Page 2, between lines 9 and 10, begin a new paragraph and insert: "SECTION 10. IC 4-12-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The tobacco farmers and rural community impact fund advisory board is established. The advisory board shall meet at least quarterly and at the call of the ~~commissioner of agriculture~~ **director of the department of agriculture** to make recommendations concerning expenditures of money from the fund.

(b) The advisory board consists of the following:

(1) The ~~commissioner of agriculture~~ **director of the department of agriculture**, who is an ex officio member and serves as chairperson of the advisory board.

(2) Two (2) members of the senate, who may not be members of the same political party, appointed by the president pro tempore of the senate.

(3) Two (2) members of the house of representatives, who may not be members of the same political party, appointed by the speaker of the house of representatives.

(4) The following appointees by the governor who represent the following organizations or interests:

(A) Two (2) tobacco growers.

(B) One (1) tobacco quota owner.

(C) Two (2) persons with knowledge and experience in state and regional economic development needs.

(D) One (1) person representing small towns or rural communities.

~~(E) One (1) person representing the Indiana Rural Development Council.~~

~~(F) (E)~~ One (1) person representing the Southern Indiana Rural Development Project.

~~(G) (F)~~ One (1) person representing agricultural programs at universities located in Indiana.

The members of the advisory board listed in subdivisions (1) through (3) are nonvoting members. The members of the advisory board listed in subdivision (4) are voting members.

(c) The term of office of a legislative member of the advisory board is four (4) years. However, a legislative member of the advisory board ceases to be a member of the advisory board if the member:

(1) is no longer a member of the chamber from which the member was appointed; or

(2) is removed from the advisory board under subsection (d).

(d) A legislative member of the advisory board may be removed at any time by the appointing authority who appointed the legislative member.

(e) The term of office of a member of the advisory board appointed under subsection ~~(a)(4)~~ **(b)(4)** is four (4) years. However, these members serve at the pleasure of the governor and may be removed for any reason.

(f) If a vacancy exists on the advisory board with respect to a legislative member or the members appointed under subsection ~~(a)(4)~~ **(b)(4)**, the appointing authority who appointed the former member whose position has become vacant shall appoint an individual to fill the vacancy for the balance of the unexpired term.

(g) Five (5) voting members of the advisory board constitute a quorum for the transaction of business at a meeting of the advisory board. The affirmative vote of at least five (5) voting members of the advisory board is necessary for the advisory board to take action.

(h) Each member of the advisory board who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(i) Each member of the advisory board who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(j) Each member of the advisory board who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

(k) Payments authorized for members of the advisory board under subsections (h) through (i) are payable from the tobacco farmers and

rural community impact fund."

Page 2, between lines 14 and 15, begin a new paragraph and insert: "SECTION 12. IC 5-29-4-2, AS ADDED BY P.L.229-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The council consists of the following members:

- (1) The lieutenant governor.
- (2) Two (2) members of the senate, who may not be members of the same political party, appointed by the president pro tempore of the senate, for a term of one (1) year.
- (3) Two (2) members of the house of representatives, who may not be members of the same political party, appointed by the speaker of the house of representatives, for a term of one (1) year.
- (4) Six (6) regional tourism industry representatives, appointed by the respective tourism regions, for a term of one (1) year.
- (5) Twelve (12) representatives of the private sector, appointed by the governor, for a term of two (2) years. One (1) representative must own or operate an agritourism business.
- (6) The director.
- (7) The commissioner of the Indiana department of transportation.
- (8) The director of the department of natural resources.
- (9) A member appointed by the Indiana Hotel and Lodging Association, for a term of one (1) year.
- (10) A member appointed by the Restaurant and Hospitality Association of Indiana, for a term of one (1) year.
- (11) A member appointed by the Association of Indiana Convention and Visitor Bureaus, for a term of one (1) year.
- (12) A member appointed by the Council of Indiana Attractions, for a term of one (1) year.
- (13) A member appointed by the Indiana Gaming Association, for a term of one (1) year.
- (14) A member appointed by the Recreation Vehicle Indiana Council, for a term of one (1) year.
- (15) A member appointed by the Indiana Bed and Breakfast Association, for a term of one (1) year.
- (16) A member appointed by the Indiana State Festival Association, for a term of one (1) year.
- ~~(17) A member who lives in a rural community and is interested in agritourism, appointed by the Indiana rural development council, for a term of one (1) year.~~

SECTION 13. IC 5-29-4-3, AS ADDED BY P.L.229-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) ~~Eighteen (18)~~ **Seventeen (17)** members of the council constitute a quorum.

(b) The affirmative votes of a majority of the members appointed to the council are required for the council to take action.

(c) The lieutenant governor shall serve as chairperson of the council.

(d) The council shall adopt written procedures to govern the transaction of business by the council.

(e) A member of the council who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also not entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties.

SECTION 14. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 4-4-9; IC 4-4-9.3; IC 4-4-9.5.

SECTION 15. [EFFECTIVE UPON PASSAGE] (a) For purposes of this SECTION, "fund" means the rural development administration fund under IC 4-4-9.3-2, before its repeal by this act.

(b) The:

- (1) balance of;
- (2) appropriations made to; and
- (3) obligations of;

the fund are transferred to the rural economic development fund established by IC 4-4-9.7-9, as added by this act.

(c) This SECTION expires July 1, 2007.

SECTION 16. [EFFECTIVE UPON PASSAGE] (a) For purposes of this SECTION, "fund" means the rural development council fund under IC 4-4-9.5-4, before its repeal by this act.

(b) The:

- (1) balance of;
- (2) appropriations made to; and
- (3) obligations of;

the fund are transferred to the rural economic development fund established in IC 4-4-9.7-9, as added by this act.

(c) This SECTION expires July 1, 2007."

Renumber all SECTIONS consecutively.

(Reference is to SB 87 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

GARD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 161, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, delete lines 7 through 8.

Page 2, line 9, delete "(2)" and insert "(1)".

Page 2, line 20, delete "(3)" and insert "(2)".

Page 3, line 2, delete "June 30, 2008." and insert "**June 30, 2007.**".

(Reference is to SB 161 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 1.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 41, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 5, line 21, strike "Muscatatuck State Developmental Center,".

Page 15, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 12. IC 12-7-2-14.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.7. "Ancillary services", for purposes of ~~IC 12-10-17~~, IC 12-10-17.1, has the meaning set forth in ~~IC 12-10-17-2~~; IC 12-10-17.1-2.

SECTION 13. IC 12-7-2-18.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18.3. "Attendant care services", for purposes of ~~IC 12-10-17~~, **IC 12-10-17.1**, has the meaning set forth in ~~IC 12-10-17-3~~. **IC 12-10-17.1-3.**

SECTION 14. IC 12-7-2-20.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20.7. "Basic services", for purposes of ~~IC 12-10-17~~, **IC 12-10-17.1**, has the meaning set forth in ~~IC 12-10-17-4~~. **IC 12-10-17.1-4.**"

Page 18, between lines 2 and 3, begin a new paragraph and insert: "SECTION 20. IC 12-7-2-103.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 103.5. "Health related services":

(1) for purposes of IC 12-10-15, has the meaning set forth in IC 12-10-15-2; and

(2) for purposes of ~~IC 12-10-17~~, **IC 12-10-17.1**, has the meaning set forth in ~~IC 12-10-17-5~~. **IC 12-10-17.1-5.**

SECTION 21. IC 12-7-2-117.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 117.1. "Individual in need of self-directed in-home care", for purposes of ~~IC 12-10-17~~, **IC 12-10-17.1**, has the meaning set forth in ~~IC 12-10-17-6~~. **IC 12-10-17.1-6.**

SECTION 22. IC 12-7-2-122.9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 122.9. "Licensed health professional", for purposes of ~~IC 12-10-17~~, **IC 12-10-17.1**, has the meaning set forth in ~~IC 12-10-17-7~~. **IC 12-10-17.1-7.**

SECTION 23. IC 12-7-2-137.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 137.3. "Personal services attendant", for purposes of ~~IC 12-10-17~~, **IC 12-10-17.1**, has the meaning set forth in ~~IC 12-10-17-8~~. **IC 12-10-17.1-8.**

SECTION 24. IC 12-7-2-138 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 138. "Physician" means the following:

(1) For purposes of ~~IC 12-10-17~~ **IC 12-10-17.1** and IC 12-15-35, an individual who is licensed to practice medicine in Indiana under IC 25-22.5.

(2) For purposes of IC 12-26, either of the following:

(A) An individual who holds a license to practice medicine under IC 25-22.5.

(B) A medical officer of the United States government who is in Indiana performing the officer's official duties.

SECTION 25. IC 12-7-2-174.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 174.5. "Self-directed in-home health care", for purposes of ~~IC 12-10-17~~, **IC 12-10-17.1**, has the meaning set forth in ~~IC 12-10-17-9~~. **IC 12-10-17.1-9.**

SECTION 26. IC 12-7-2-184 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 184. (a) "State institution" means an institution:

(1) owned or operated by the state;

(2) for the observation, care, treatment, or detention of an individual; and

(3) under the administrative control of a division.

(b) The term includes the following:

~~(1) Central State Hospital.~~

~~(2) (1) Evansville State Hospital.~~

~~(3) (2) Evansville State Psychiatric Treatment Center for Children.~~

~~(4) (3) Fort Wayne State Developmental Center.~~

~~(5) (4) Larue D. Carter Memorial Hospital.~~

~~(6) (5) Logansport State Hospital.~~

~~(7) (6) Madison State Hospital.~~

~~(8) Muscatatuck State Developmental Center.~~

~~(9) (7) Richmond State Hospital."~~

Page 19, line 40, strike "disability".

Page 19, line 40, reset in roman "aging,".

Page 19, line 40, strike "and rehabilitative services,".

Page 20, line 41, after "services," insert **"the division of aging,"**.

Page 25, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 40. IC 12-10-3-29.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 29.5. (a) Except as provided in subsection (b), an adult protective services unit or a staff member of the adult protective services unit on the basis of the staff member's employment may not be designated as:**

(1) a personal representative;

(2) a health care representative;

(3) a guardian;

(4) a guardian ad litem; or

(5) any other type of representative;

for an endangered adult.

(b) The:

(1) county prosecutor in the county in which the adult protective services unit is located; or

(2) head of the governmental entity if the adult protective services unit is operated by a governmental entity;

may give written permission for an adult protective services unit or a staff member of the adult protective services unit to be designated as a representative described in subsection (a)(1) through (a)(5)."

Page 30, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 43. IC 12-10-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "community and home care services" means services provided within the limits of available funding to an eligible individual. The term includes the following:

(1) Homemaker services and attendant care, including personal care services.

(2) Respite care services and other support services for primary or family caregivers.

(3) Adult day care services.

(4) Home health services and supplies.

(5) Home delivered meals.

(6) Transportation.

(7) Attendant care services provided by a registered personal services attendant under ~~IC 12-10-17~~ **IC 12-10-17.1** to persons described in ~~IC 12-10-17-6~~. **IC 12-10-17.1-6.**

(8) Other services necessary to prevent institutionalization of eligible individuals when feasible.

SECTION 44. IC 12-10-17.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 17.1. Individuals in Need of Self-Directed In-Home Care

Sec. 1. This chapter does not apply to the following:

- (1) An individual who provides attendant care services and who is employed by and under the direct control of a home health agency (as defined in IC 12-15-34-1).
- (2) An individual who provides attendant care services and who is employed by and under the direct control of a licensed hospice program under IC 16-25.
- (3) An individual who provides attendant care services and who is employed by and under the control of an employer that is not the individual who is receiving the services.
- (4) A practitioner (as defined in IC 25-1-9-2) who is practicing under the scope of the practitioner's license (as defined in IC 25-1-9-3).

Sec. 2. As used in this chapter, "ancillary services" means services ancillary to the basic services provided to an individual in need of self-directed in-home care who needs at least one (1) of the basic services (as defined in section 4 of this chapter). The term includes the following:

- (1) Homemaker services, including shopping, laundry, cleaning, and seasonal chores.
- (2) Companion services, including transportation, letter writing, mail reading, and escort services.
- (3) Assistance with cognitive tasks, including managing finances, planning activities, and making decisions.

Sec. 3. As used in this chapter, "attendant care services" means those basic and ancillary services that the individual chooses to direct and supervise a personal services attendant to perform and that enable an individual in need of self-directed in-home care to live in the individual's home and community rather than in an institution and to carry out functions of daily living, self-care, and mobility.

Sec. 4. As used in this chapter, "basic services" means a function that could be performed by the individual in need of self-directed in-home care if the individual were not physically disabled. The term includes the following:

- (1) Assistance in getting in and out of beds, wheelchairs, and motor vehicles.
- (2) Assistance with routine bodily functions, including:
 - (A) health related services (as defined in section 5 of this chapter);
 - (B) bathing and personal hygiene;
 - (C) dressing and grooming; and
 - (D) feeding, including preparation and cleanup.

Sec. 5. As used in this chapter, "health related services" means those medical activities that, in the written opinion of the attending physician submitted to the case manager of the individual in need of self-directed in-home care, could be performed by the individual if the individual were physically capable, and if the medical activities can be safely performed in the home, and:

- (1) are performed by a person who has been trained or instructed on the performance of the medical activities by an individual in need of self-directed in-home care who is, in the written opinion of the attending physician submitted to the case manager of the individual in need of self-directed in-home care, capable of training or instructing the person who will perform the medical activities; or

- (2) are performed by a person who has received training or instruction from a licensed health professional, within the professional's scope of practice, in how to properly perform the medical activity for the individual in need of self-directed in-home care.

Sec. 6. As used in this chapter, "individual in need of self-directed in-home care" means a disabled individual, or person responsible for making health related decisions for the disabled individual, who:

- (1) is approved to receive Medicaid waiver services under 42 U.S.C. 1396n(c), or is a participant in the community and home options to institutional care for the elderly and disabled program under IC 12-10-10;
- (2) is in need of attendant care services because of impairment;
- (3) requires assistance to complete functions of daily living, self-care, and mobility, including those functions included in attendant care services;
- (4) chooses to self-direct a paid personal services attendant to perform attendant care services; and
- (5) assumes the responsibility to initiate self-directed in-home care and exercise judgment regarding the manner in which those services are delivered, including the decision to employ, train, and dismiss a personal services attendant.

Sec. 7. As used in this chapter, "licensed health professional" means any of the following:

- (1) A registered nurse.
- (2) A licensed practical nurse.
- (3) A physician with an unlimited license to practice medicine or osteopathic medicine.
- (4) A licensed dentist.
- (5) A licensed chiropractor.
- (6) A licensed optometrist.
- (7) A licensed pharmacist.
- (8) A licensed physical therapist.
- (9) A certified occupational therapist.
- (10) A certified psychologist.
- (11) A licensed podiatrist.
- (12) A licensed speech-language pathologist or audiologist.

Sec. 8. As used in this chapter, "personal services attendant" means an individual who is registered to provide attendant care services under this chapter and who has entered a contract with an individual and acts under the individual's direction to provide attendant care services that could be performed by the individual if the individual were physically capable.

Sec. 9. As used in this chapter, "self-directed in-home health care" means the process by which an individual, who is prevented by a disability from performing basic and ancillary services that the individual would perform if not disabled, chooses to direct and supervise a paid personal services attendant to perform those services in order for the individual to live in the individual's home and community rather than an institution.

Sec. 10. (a) An individual may not provide attendant care services for compensation from Medicaid or the community and home options to institutional care for the elderly and disabled program for an individual in need of self-directed in-home care services unless the individual is registered under section 12 of this chapter.

(b) An individual who is a legally responsible relative of an individual in need of self-directed in-home care, including a parent of a minor individual and a spouse, is precluded from providing attendant care services for compensation under this chapter.

Sec. 11. An individual who desires to provide attendant care services must register with the division or with an organization designated by the division.

Sec. 12. (a) The division shall register an individual who provides the following:

- (1) A personal resume containing information concerning the individual's qualifications, work experience, and any credentials the individual may hold. The individual must certify that the information contained in the resume is true and accurate.
- (2) The individual's limited criminal history check from the Indiana central repository for criminal history information under IC 10-13-3 or another source allowed by law.
- (3) If applicable, the individual's state nurse aide registry report from the state department of health. This subdivision does not require an individual to be a nurse aide.
- (4) Three (3) letters of reference.
- (5) A registration fee. The division shall establish the amount of the registration fee.
- (6) Proof that the individual is at least eighteen (18) years of age.
- (7) Any other information required by the division.

(b) A registration is valid for two (2) years. A personal services attendant may renew the personal services attendant's registration by updating any information in the file that has changed and by paying the fee required under subsection (a)(5). The limited criminal history check and report required under subsection (a)(2) and (a)(3) must be updated every two (2) years.

(c) The division and any organization designated under section 11 of this chapter shall maintain a file for each personal services attendant that contains:

- (1) comments related to the provision of attendant care services submitted by an individual in need of self-directed in-home care who has employed the personal services attendant; and
- (2) the items described in subsection (a)(1) through (a)(4).

(d) Upon request, the division shall provide to an individual in need of self-directed in-home care the following:

- (1) Without charge, a list of personal services attendants who are registered with the division and available within the requested geographic area.
- (2) A copy of the information of a specified personal services attendant who is on file with the division under subsection (c). The division may charge a fee for shipping, handling, and copying expenses.

Sec. 13. The case manager of an individual in need of self-directed in-home care shall maintain an attending physician's written opinion submitted under section 5 of this chapter in a case file that is maintained for the individual by the case manager.

Sec. 14. (a) A personal services attendant who is hired by the individual in need of self-directed in-home care is an employee of the individual in need of self-directed in-home care.

(b) The division is not liable for any actions of a personal services attendant or an individual in need of self-directed in-home care.

(c) A personal services attendant and an individual in need of self-directed in-home care are each liable for any negligent or wrongful act or omission in which the person personally participates.

Sec. 15. (a) Except as provided in subsection (b), an individual in need of self-directed in-home care is responsible for recruiting, hiring, training, paying, certifying any employment related documents, dismissing, and supervising in the individual's home during service hours a personal services attendant who provides attendant care services for the individual.

(b) If an individual in need of self-directed in-home care is:

- (1) less than twenty-one (21) years of age; or
- (2) unable to direct in-home care because of a brain injury or mental deficiency;

the individual's parent, spouse, legal guardian, or a person possessing a valid power of attorney may make employment, care, and training decisions and certify any employment related documents on behalf of the individual.

(c) An individual in need of self-directed in-home care or an individual under subsection (b) and the individual's case manager shall develop an authorized care plan. The authorized care plan must include a list of weekly services or tasks that must be performed to comply with the authorized care plan.

Sec. 16. The division shall adopt rules under IC 4-22-2 concerning:

- (1) the method of payment to a personal services attendant who provides authorized services under this chapter; and
- (2) record keeping requirements for personal attendant services.

Sec. 17. The individual in need of self-directed in-home care and the personal services attendant must each sign a contract, in a form approved by the division, that includes, at a minimum, the following provisions:

- (1) The responsibilities of the personal services attendant.
- (2) The frequency the personal services attendant will provide attendant care services.
- (3) The duration of the contract.
- (4) The hourly wage of the personal services attendant. The wage may not be less than the federal minimum wage or more than the rate that the recipient is eligible to receive under a Medicaid home and community based services waiver or the community and home options to institutional care for the elderly and disabled program for attendant care services.
- (5) Reasons and notice agreements for early termination of the contract.

Sec. 18. (a) The office shall amend the home and community based services waiver program under the state Medicaid plan to provide for the payment for attendant care services provided by a personal services attendant for an individual in need of self-directed in-home care under this chapter, including any related record keeping and employment expenses.

(b) The office shall not, to the extent permitted by federal law, consider as income money paid under this chapter to or on behalf of an individual in need of self-directed in-home care to enable

the individual to employ registered personal services attendants, for purposes of determining the individual's income eligibility for services under this chapter.

Sec. 19. The division may:

- (1) initiate demonstration projects to test new ways of providing attendant care services; and
- (2) research ways to best provide attendant care services in urban and rural areas.

Sec. 20. (a) The division and office may adopt rules under IC 4-22-2 that are necessary to implement this chapter.

(b) The office shall apply for any federal waivers necessary to implement this chapter.

Sec. 21. The division shall adopt rules under IC 4-22-2 concerning the following:

(1) The receipt, review, and investigation of complaints concerning the:

- (A) neglect;**
- (B) abuse;**
- (C) mistreatment; or**
- (D) misappropriation of property;**

of an individual in need of self-directed in-home care by a personal services attendant.

(2) Establishing notice and administrative hearing procedures in accordance with IC 4-21.5.

(3) Appeal procedures, including judicial review of administrative hearings.

(4) Procedures to place a personal services attendant who has been determined to have been guilty of:

- (A) neglect;**
- (B) abuse;**
- (C) mistreatment; or**
- (D) misappropriation of property;**

of an individual in need of self-directed in-home care on the state nurse aide registry."

Page 35, strike line 31.

Page 35, line 32, strike "(3)" and insert "(2)".

Page 35, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 58. IC 12-24-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The director of the division of mental health and addiction has administrative control of and responsibility for the following state institutions:

- ~~(1) Central State Hospital.~~
- ~~(2) (1) Evansville State Hospital.~~
- ~~(3) (2) Evansville State Psychiatric Treatment Center for Children.~~
- ~~(4) (3) Larue D. Carter Memorial Hospital.~~
- ~~(5) (4) Logansport State Hospital.~~
- ~~(6) (5) Madison State Hospital.~~
- ~~(7) (6) Richmond State Hospital.~~
- ~~(8) (7) Any other state owned or operated mental health institution.~~

(b) Subject to the approval of the director of the budget agency and the governor, the director of the division of mental health and addiction may contract for the management and clinical operation of Larue D. Carter Memorial Hospital.

(c) The following applies only to the institutions described in subsection ~~(a)(2)~~ **(a)(1)** and ~~(a)(3)~~ **(a)(2)**:

(1) Notwithstanding any other statute or policy, the division of mental health and addiction may not do the following after December 31, 2001, unless specifically authorized by a statute enacted by the general assembly:

- (A) Terminate, in whole or in part, normal patient care or other operations at the facility.
- (B) Reduce the staffing levels and classifications below those in effect at the facility on January 1, 2002.
- (C) Terminate the employment of an employee of the facility except in accordance with IC 4-15-2.

(2) The division of mental health and addiction shall fill a vacancy created by a termination described in subdivision (1)(C) so that the staffing levels at the facility are not reduced below the staffing levels in effect on January 1, 2002.

(3) Notwithstanding any other statute or policy, the division of mental health and addiction may not remove, transfer, or discharge any patient at the facility unless the removal, transfer, or discharge is in the patient's best interest and is approved by:

- (A) the patient or the patient's parent or guardian;
- (B) the individual's gatekeeper; and
- (C) the patient's attending physician.

(d) The Evansville State Psychiatric Treatment Center for Children shall remain independent of Evansville State Hospital and the southwestern Indiana community mental health center, and the Evansville State Psychiatric Treatment Center for Children shall continue to function autonomously unless a change in administration is specifically authorized by an enactment of the general assembly."

Page 37, delete lines 34 through 42.

Delete pages 38 through 39.

Page 40, delete lines 1 through 3.

Page 48, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 77. IC 16-27-1-5, AS AMENDED BY P.L.212-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) As used in this chapter, "home health services" means services that:

(1) are provided to a patient by:

- (A) a home health agency; or
- (B) another person under an arrangement with a home health agency;

in the temporary or permanent residence of the patient; and

(2) either, are required by law to be:

- (A) ordered by a licensed physician, a licensed dentist, a licensed chiropractor, a licensed podiatrist, or a licensed optometrist for the service to be performed; or
- (B) performed only by a health care professional.

(b) The term includes the following:

- (1) Nursing treatment and procedures.
- (2) Physical therapy.
- (3) Occupational therapy.
- (4) Speech therapy.
- (5) Medical social services.
- (6) Home health aide services.
- (7) Other therapeutic services.

(c) The term does not apply to the following:

- (1) Services provided by a physician licensed under IC 25-22.5.
- (2) Incidental services provided by a licensed health facility to

patients of the licensed health facility.

(3) Services provided by employers or membership organizations using health care professionals for their employees, members, and families of the employees or members if the health or home care services are not the predominant purpose of the employer or a membership organization's business.

(4) Nonmedical nursing care given in accordance with the tenets and practice of a recognized church or religious denomination to a patient who depends upon healing by prayer and spiritual means alone in accordance with the tenets and practices of the patient's church or religious denomination.

(5) Services that are allowed to be performed by an attendant under IC 16-27-1-10.

(6) Authorized services provided by a personal services attendant under ~~IC 12-10-17~~; **IC 12-10-17.1**.

SECTION 78. IC 16-27-4-4, AS ADDED BY P.L.212-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) As used in this chapter, "personal services" means:

- (1) attendant care services;
- (2) homemaker services that assist with or perform household tasks, including housekeeping, shopping, laundry, meal planning and preparation, and cleaning; and
- (3) companion services that provide fellowship, care, and protection for a client, including transportation, letter writing, mail reading, and escort services;

that are provided to a client at the client's residence.

(b) The term does not apply to the following:

- (1) Incidental services provided by a licensed health facility to patients of the licensed health facility.
- (2) Services provided by employers or membership organizations for their employees, members, and families of the employees or members if the services are not the predominant purpose of the employer or the membership organization's business.
- (3) Services that are allowed to be performed by a personal services attendant under ~~IC 12-10-17~~; **IC 12-10-17.1**.
- (4) Services that require the order of a health care professional for the services to be lawfully performed in Indiana.
- (5) Assisted living Medicaid waiver services.
- (6) Services that are performed by a facility described in IC 12-10-15."

Page 50, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 81. IC 16-28-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) As used in this chapter, "other unlicensed employee" means:

- (1) an employee of a health facility;
- (2) a hospital based health facility; or
- (3) a personal services attendant (as defined by ~~IC 12-10-17-8~~; **in IC 12-10-17.1-8**);

who is not licensed (as defined in IC 25-1-9-3) by a board (as defined in IC 25-1-9-1).

(b) The term does not include an employee of an ambulatory outpatient surgical center, a home health agency, a hospice program, or a hospital that is not licensed (as defined in IC 25-1-9-3) by a

board (as defined in IC 25-1-9-1)."

Page 63, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 98. IC 22-1-5-2, AS ADDED BY P.L.212-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "companion type services" refers to services described in ~~IC 12-10-17-2(2)~~; **IC 12-10-17.1-2(2)**."

Page 64, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 101. IC 25-22.5-1-2, AS AMENDED BY P.L.212-2005, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) This article, as it relates to the unlawful or unauthorized practice of medicine or osteopathic medicine, does not apply to any of the following:

- (1) A student in training in a medical school approved by the board, or while performing duties as an intern or a resident in a hospital under the supervision of the hospital's staff or in a program approved by the medical school.
- (2) A person who renders service in case of emergency where no fee or other consideration is contemplated, charged, or received.
- (3) A paramedic (as defined in IC 16-18-2-266), an emergency medical technician-basic advanced (as defined in IC 16-18-2-112.5), an emergency medical technician-intermediate (as defined in IC 16-18-2-112.7), an emergency medical technician (as defined in IC 16-18-2-112), or a person with equivalent certification from another state who renders advanced life support (as defined in IC 16-18-2-7) or basic life support (as defined in IC 16-18-2-33.5):
 - (A) during a disaster emergency declared by the governor under IC 10-14-3-12 in response to an act that the governor in good faith believes to be an act of terrorism (as defined in IC 35-41-1-26.5); and
 - (B) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.
- (4) Commissioned medical officers or medical service officers of the armed forces of the United States, the United States Public Health Service, and medical officers of the United States Department of Veterans Affairs in the discharge of their official duties in Indiana.
- (5) An individual who is not a licensee who resides in another state or country and is authorized to practice medicine or osteopathic medicine there, who is called in for consultation by an individual licensed to practice medicine or osteopathic medicine in Indiana.
- (6) A person administering a domestic or family remedy to a member of the person's family.
- (7) A member of a church practicing the religious tenets of the church if the member does not make a medical diagnosis, prescribe or administer drugs or medicines, perform surgical or physical operations, or assume the title of or profess to be a physician.
- (8) A school corporation and a school employee who acts under IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).

(9) A chiropractor practicing the chiropractor's profession under IC 25-10 or to an employee of a chiropractor acting under the direction and supervision of the chiropractor under IC 25-10-1-13.

(10) A dental hygienist practicing the dental hygienist's profession under IC 25-13.

(11) A dentist practicing the dentist's profession under IC 25-14.

(12) A hearing aid dealer practicing the hearing aid dealer's profession under IC 25-20.

(13) A nurse practicing the nurse's profession under IC 25-23. However, a registered nurse may administer anesthesia if the registered nurse acts under the direction of and in the immediate presence of a physician and holds a certificate of completion of a course in anesthesia approved by the American Association of Nurse Anesthetists or a course approved by the board.

(14) An optometrist practicing the optometrist's profession under IC 25-24.

(15) A pharmacist practicing the pharmacist's profession under IC 25-26.

(16) A physical therapist practicing the physical therapist's profession under IC 25-27.

(17) A podiatrist practicing the podiatrist's profession under IC 25-29.

(18) A psychologist practicing the psychologist's profession under IC 25-33.

(19) A speech-language pathologist or audiologist practicing the pathologist's or audiologist's profession under IC 25-35.6.

(20) An employee of a physician or group of physicians who performs an act, a duty, or a function that is customarily within the specific area of practice of the employing physician or group of physicians, if the act, duty, or function is performed under the direction and supervision of the employing physician or a physician of the employing group within whose area of practice the act, duty, or function falls. An employee may not make a diagnosis or prescribe a treatment and must report the results of an examination of a patient conducted by the employee to the employing physician or the physician of the employing group under whose supervision the employee is working. An employee may not administer medication without the specific order of the employing physician or a physician of the employing group. Unless an employee is licensed or registered to independently practice in a profession described in subdivisions (9) through (18), nothing in this subsection grants the employee independent practitioner status or the authority to perform patient services in an independent practice in a profession.

(21) A hospital licensed under IC 16-21 or IC 12-25.

(22) A health care organization whose members, shareholders, or partners are individuals, partnerships, corporations, facilities, or institutions licensed or legally authorized by this state to provide health care or professional services as:

- (A) a physician;
- (B) a psychiatric hospital;
- (C) a hospital;
- (D) a health maintenance organization or limited service health maintenance organization;
- (E) a health facility;

(F) a dentist;

(G) a registered or licensed practical nurse;

(H) a midwife;

(I) an optometrist;

(J) a podiatrist;

(K) a chiropractor;

(L) a physical therapist; or

(M) a psychologist.

(23) A physician assistant practicing the physician assistant's profession under IC 25-27.5.

(24) A physician providing medical treatment under IC 25-22.5-1-2.1.

(25) An attendant who provides attendant care services (as defined in IC 16-18-2-28.5).

(26) A personal services attendant providing authorized attendant care services under ~~IC 12-10-17~~ **IC 12-10-17.1**.

(b) A person described in subsection (a)(9) through (a)(18) is not excluded from the application of this article if:

- (1) the person performs an act that an Indiana statute does not authorize the person to perform; and
- (2) the act qualifies in whole or in part as the practice of medicine or osteopathic medicine.

(c) An employment or other contractual relationship between an entity described in subsection (a)(21) through (a)(22) and a licensed physician does not constitute the unlawful practice of medicine under this article if the entity does not direct or control independent medical acts, decisions, or judgment of the licensed physician. However, if the direction or control is done by the entity under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity is excluded from the application of this article as it relates to the unlawful practice of medicine or osteopathic medicine.

(d) This subsection does not apply to a prescription or drug order for a legend drug that is filled or refilled in a pharmacy owned or operated by a hospital licensed under IC 16-21. A physician licensed in Indiana who permits or authorizes a person to fill or refill a prescription or drug order for a legend drug except as authorized in IC 16-42-19-11 through IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A person who violates this subsection commits the unlawful practice of medicine under this chapter.

(e) A person described in subsection (a)(8) shall not be authorized to dispense contraceptives or birth control devices.

SECTION 102. IC 25-23-1-27.1, AS AMENDED BY P.L.212-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec.27.1. (a) As used in this section, "licensed health professional" means:

- (1) a registered nurse;
- (2) a licensed practical nurse;
- (3) a physician with an unlimited license to practice medicine or osteopathic medicine;
- (4) a licensed dentist;
- (5) a licensed chiropractor;
- (6) a licensed optometrist;
- (7) a licensed pharmacist;
- (8) a licensed physical therapist;
- (9) a licensed psychologist;
- (10) a licensed podiatrist; or

- (11) a licensed speech-language pathologist or audiologist.
- (b) This chapter does not prohibit:
 - (1) furnishing nursing assistance in an emergency;
 - (2) the practice of nursing by any student enrolled in a board approved nursing education program where such practice is incidental to the student's program of study;
 - (3) the practice of any nurse who is employed by the government of the United States or any of its bureaus, divisions, or agencies while in the discharge of the nurse's official duties;
 - (4) the gratuitous care of sick, injured, or infirm individuals by friends or the family of that individual;
 - (5) the care of the sick, injured, or infirm in the home for compensation if the person assists only:
 - (A) with personal care;
 - (B) in the administration of a domestic or family remedy; or
 - (C) in the administration of a remedy that is ordered by a licensed health professional and that is within the scope of practice of the licensed health professional under Indiana law;
 - (6) performance of tasks by persons who provide health care services which are delegated or ordered by licensed health professionals, if the delegated or ordered tasks do not exceed the scope of practice of the licensed health professionals under Indiana law;
 - (7) a physician with an unlimited license to practice medicine or osteopathic medicine in Indiana, a licensed dentist, chiropractor, dental hygienist, optometrist, pharmacist, physical therapist, podiatrist, psychologist, speech-language pathologist, or audiologist from practicing the person's profession;
 - (8) a school corporation or school employee from acting under IC 34-30-14;
 - (9) a personal services attendant from providing authorized attendant care services under ~~IC 12-10-17~~; **IC 12-10-17.1**; or
 - (10) an attendant who provides attendant care services (as defined in IC 16-18-2-28.5)."

Page 65, line 17, strike "disability".

Page 65, line 17, delete "aging," and insert "aging".

Page 65, line 17, strike "and rehabilitative".

Page 65, line 18, strike "services".

Page 65, line 26, after "addiction" delete ",".

Page 65, line 26, reset in roman "or".

Page 65, line 26, after "services" delete ",".

Page 65, line 27, delete "or the division of aging".

Page 65, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 106. IC 34-30-2-43.9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 43.9. ~~IC 12-10-17-13(b)~~ **IC 12-10-17.1-14(b)** (Concerning actions of a personal services attendant)."

Page 67, after line 28, begin a new paragraph and insert:

"SECTION 109. [EFFECTIVE JULY 1, 2006] (a) As used in this SECTION, "program" refers to the self-directed in-home care program under IC 12-10-17.1, as added by this act.

(b) The office of the secretary of family and social services established by IC 12-8-1-1 shall submit a report in electronic format under IC 5-14-6 to the legislative council before November 1, 2009 concerning the:

- (1) implementation; and
 - (2) outcome;
- of the program.

(c) This SECTION expires December 31, 2010.

SECTION 110. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 12-10-17; IC 12-24-1-10.

SECTION 111. **An emergency is declared for this act.**

Renumber all SECTIONS consecutively.

(Reference is to SB 41 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 260, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-4-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 12. (a) As used in this section, "land developer" means a person that holds land for sale in the ordinary course of the person's trade or business.

(b) As used in this section, "land in inventory" means:

(1) a lot; or

(2) a tract that has not been subdivided into lots;

to which a land developer holds title in the ordinary course of the land developer's trade or business.

(c) As used in this section, "title" refers to legal or equitable title, including the interest of a contract purchaser.

(d) Except as provided in subsections (h) and (i), if:

(1) land assessed on an acreage basis is subdivided into lots; ~~the land shall be reassessed on the basis of lots. If or~~

(2) land is rezoned for, or put to, a different use;

the land shall be reassessed on the basis of its new classification.

(e) If improvements are added to real property, the improvements shall be assessed.

(f) An assessment or reassessment made under this section is effective on the next assessment date. ~~However, if land assessed on an acreage basis is subdivided into lots, the lots may not be reassessed until the next assessment date following a transaction which results in a change in legal or equitable title to that lot.~~

(g) No petition to the department of local government finance is necessary with respect to an assessment or reassessment made under this section.

(h) Subject to subsection (i), land in inventory may not be reassessed until the next assessment date following the earlier of:

(1) the date title to the land is transferred by:

(A) the land developer; or

(B) a successor land developer that acquires title to the land;

to a person that is not a land developer; or

(2) the date on which construction of a structure begins on the land.

(i) Subsection (h) applies regardless of whether the land in inventory is rezoned while a land developer holds title to the land.

SECTION 2. IC 6-1.1-5.5-5, AS AMENDED BY P.L.228-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The department of local government finance shall prescribe a sales disclosure form for use under this chapter. The form prescribed by the department of local government finance must include at least the following information:

- (1) The key number of the parcel (as defined in IC 6-1.1-1-8.5).
- (2) Whether the entire parcel is being conveyed.
- (3) The address of the property.
- (4) The date of the execution of the form.
- (5) The date the property was transferred.
- (6) Whether the transfer includes an interest in land or improvements, or both.
- (7) Whether the transfer includes personal property.
- (8) An estimate of any personal property included in the transfer.
- (9) The name, address, and telephone number of:
 - (A) each transferor and transferee; and
 - (B) the person that prepared the form.
- (10) The mailing address to which the property tax bills or other official correspondence should be sent.
- (11) The ownership interest transferred.
- (12) The classification of the property (as residential, commercial, industrial, agricultural, vacant land, or other).
- (13) The total price actually paid or required to be paid in exchange for the conveyance, whether in terms of money, property, a service, an agreement, or other consideration, but excluding tax payments and payments for legal and other services that are incidental to the conveyance.
- (14) The terms of seller provided financing, such as interest rate, points, type of loan, amount of loan, and amortization period, and whether the borrower is personally liable for repayment of the loan.
- (15) Any family or business relationship existing between the transferor and the transferee.
- (16) Other information as required by the department of local government finance to carry out this chapter.

If a form under this section includes the telephone number or the Social Security number of a party, the telephone number or the Social Security number is confidential.

(b) The instructions for completing the form described in subsection (a) must include the information described in IC 6-1.1-12-43(c)(1).

SECTION 3. IC 6-1.1-5.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The county auditor may not accept a conveyance document if:

- (1) the sales disclosure form signed by all the parties and attested as required under section 9 of this chapter is not included with the document; or
- (2) the sales disclosure form does not contain the information described in ~~section 5~~ **section 5(a)** of this chapter.

(b) The county recorder shall not record a conveyance document without evidence that the parties have filed a completed sales disclosure form with the county auditor."

Page 9, between lines 29 and 30, begin a new paragraph and insert: "SECTION 15. IC 6-1.1-12.1-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. (a) For purposes of this section, "personal property" means personal property other than inventory (as defined in IC 6-1.1-3-11(a)).

(b) An applicant must provide a statement of benefits to the designating body. The applicant must provide the completed statement of benefits form to the designating body before the hearing specified in section 2.5(c) of this chapter or before the installation of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment for which the person desires to claim a deduction under this chapter. The department of local government finance shall prescribe a form for the statement of benefits. The statement of benefits must include the following information:

- (1) A description of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment that the person proposes to acquire.
- (2) With respect to:

- (A) new manufacturing equipment not used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products; and
- (B) new research and development equipment, new logistical distribution equipment, or new information technology equipment;

an estimate of the number of individuals who will be employed or whose employment will be retained by the person as a result of the installation of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment and an estimate of the annual salaries of these individuals.

- (3) An estimate of the cost of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.
- (4) With respect to new manufacturing equipment used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products, an estimate of the amount of solid waste or hazardous waste that will be converted into energy or other useful products by the new manufacturing equipment.

The statement of benefits may be incorporated in a designation application. Notwithstanding any other law, a statement of benefits is a public record that may be inspected and copied under IC 5-14-3-3.

(c) The designating body must review the statement of benefits required under subsection (b). The designating body shall determine whether an area should be designated an economic revitalization area or whether the deduction shall be allowed, based on (and after it has made) the following findings:

- (1) Whether the estimate of the cost of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment is reasonable for equipment of that type.
- (2) With respect to:

- (A) new manufacturing equipment not used to dispose of solid waste or hazardous waste by converting the solid waste

or hazardous waste into energy or other useful products; and
(B) new research and development equipment, new logistical distribution equipment, or new information technology equipment;

whether the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the installation of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

(3) Whether the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

(4) With respect to new manufacturing equipment used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products, whether the estimate of the amount of solid waste or hazardous waste that will be converted into energy or other useful products can be reasonably expected to result from the installation of the new manufacturing equipment.

(5) Whether any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

(6) Whether the totality of benefits is sufficient to justify the deduction.

The designating body may not designate an area an economic revitalization area or approve the deduction unless it makes the findings required by this subsection in the affirmative.

(d) Except as provided in subsection (h), **and subject to subsection (i)**, an owner of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment whose statement of benefits is approved after June 30, 2000, is entitled to a deduction from the assessed value of that equipment for the number of years determined by the designating body under subsection (g). Except as provided in subsection (f) and in section 2(i)(3) of this chapter, **and subject to subsection (i)**, the amount of the deduction that an owner is entitled to for a particular year equals the product of:

(1) the assessed value of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment in the year of deduction under the appropriate table set forth in subsection (e); multiplied by

(2) the percentage prescribed in the appropriate table set forth in subsection (e).

(e) The percentage to be used in calculating the deduction under subsection (d) is as follows:

(1) For deductions allowed over a one (1) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd and thereafter	0%

(2) For deductions allowed over a two (2) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	50%
3rd and thereafter	0%

(3) For deductions allowed over a three (3) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	66%
3rd	33%
4th and thereafter	0%

(4) For deductions allowed over a four (4) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	75%
3rd	50%
4th	25%
5th and thereafter	0%

(5) For deductions allowed over a five (5) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	80%
3rd	60%
4th	40%
5th	20%
6th and thereafter	0%

(6) For deductions allowed over a six (6) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	85%
3rd	66%
4th	50%
5th	34%
6th	25%
7th and thereafter	0%

(7) For deductions allowed over a seven (7) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	85%
3rd	71%
4th	57%
5th	43%
6th	29%
7th	14%
8th and thereafter	0%

(8) For deductions allowed over an eight (8) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	88%
3rd	75%
4th	63%
5th	50%
6th	38%
7th	25%
8th	13%
9th and thereafter	0%

(9) For deductions allowed over a nine (9) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	88%
3rd	77%
4th	66%
5th	55%
6th	44%
7th	33%
8th	22%
9th	11%
10th and thereafter	0%

(10) For deductions allowed over a ten (10) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	90%
3rd	80%
4th	70%
5th	60%
6th	50%
7th	40%
8th	30%
9th	20%
10th	10%
11th and thereafter	0%

(f) With respect to new manufacturing equipment and new research and development equipment installed before March 2, 2001, the deduction under this section is the amount that causes the net assessed value of the property after the application of the deduction under this section to equal the net assessed value after the application of the deduction under this section that results from computing:

- (1) the deduction under this section as in effect on March 1, 2001; and
- (2) the assessed value of the property under 50 IAC 4.2, as in effect on March 1, 2001, or, in the case of property subject to IC 6-1.1-8, 50 IAC 5.1, as in effect on March 1, 2001.

(g) For an economic revitalization area designated before July 1, 2000, the designating body shall determine whether a property owner whose statement of benefits is approved after April 30, 1991, is entitled to a deduction for five (5) or ten (10) years. For an economic revitalization area designated after June 30, 2000, the designating body shall determine the number of years the deduction is allowed. However, the deduction may not be allowed for more than ten (10) years. This determination shall be made:

- (1) as part of the resolution adopted under section 2.5 of this chapter; or
- (2) by resolution adopted within sixty (60) days after receiving a copy of a property owner's certified deduction application from the county auditor. A certified copy of the resolution shall be sent to the county auditor.

A determination about the number of years the deduction is allowed that is made under subdivision (1) is final and may not be changed by following the procedure under subdivision (2).

(h) The owner of new manufacturing equipment that is directly used to dispose of hazardous waste is not entitled to the deduction provided by this section for a particular assessment year if during that assessment year the owner:

- (1) is convicted of a violation under IC 13-7-13-3 (repealed),

IC 13-7-13-4 (repealed), or IC 13-30-6; or

(2) is subject to an order or a consent decree with respect to property located in Indiana based on a violation of a federal or state rule, regulation, or statute governing the treatment, storage, or disposal of hazardous wastes that had a major or moderate potential for harm.

(i) For purposes of subsection (d), the assessed value of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment that is part of an owner's assessable depreciable personal property in a single taxing district subject to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 is the product of:

(1) the assessed value of the equipment determined without regard to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9; multiplied by

(2) the quotient of:

(A) the amount of the valuation limitation determined under 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 for all of the owner's depreciable personal property in the taxing district; divided by

(B) the total true tax value of all of the owner's depreciable personal property in the taxing district that is subject to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 determined:

- (i) under the depreciation schedules in the rules of the department of local government finance before any adjustment for abnormal obsolescence; and**
- (ii) without regard to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9."**

Page 10, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 17. IC 6-1.1-15-4, AS AMENDED BY P.L.199-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) After receiving a petition for review which is filed under section 3 of this chapter, the Indiana board shall conduct a hearing at its earliest opportunity. The Indiana board may:

(1) assign:

- (A) full;
- (B) limited; or
- (C) no;

evidentiary value to the assessed valuation of tangible property determined by stipulation submitted as evidence of a comparable sale; and

(2) correct any errors that may have been made, and adjust the assessment in accordance with the correction.

(b) If the Indiana board conducts a site inspection of the property as part of its review of the petition, the Indiana board shall give notice to all parties of the date and time of the site inspection. The Indiana board is not required to assess the property in question. The Indiana board shall give notice of the date fixed for the hearing, by mail, to the taxpayer and to the appropriate township assessor, county assessor, and county auditor. With respect to an appeal of the assessment of real property or personal property filed after June 30, 2005, the notice must include the following:

- (1) The action of the county property tax assessment board of appeals with respect to the appealed items.

(2) A statement that a taxing unit receiving the notice from the county auditor under subsection (c) may:

- (A) attend the hearing; and
- (B) offer testimony.

~~A taxing unit that receives a notice from the county auditor under subsection (c) is not a party to the appeal.~~ The Indiana board shall give these notices at least thirty (30) days before the day fixed for the hearing. The property tax assessment board of appeals that made the determination under appeal under this section may, with the approval of the county executive, file an amicus curiae brief in the review proceeding under this section. The expenses incurred by the property tax assessment board of appeals in filing the amicus curiae brief shall be paid from the property reassessment fund under IC 6-1.1-4-27.5. The executive of a taxing unit may file an amicus curiae brief in the review proceeding under this section if the property whose assessment is under appeal is subject to assessment by that taxing unit.

(c) If, after receiving notice of a hearing under subsection (b), the county auditor determines that the assessed value of the appealed items constitutes at least one percent (1%) of the total gross certified assessed value of a particular taxing unit for the assessment date immediately preceding the assessment date for which the appeal was filed, the county auditor shall send a copy of the notice to the affected taxing unit. **A taxing unit that receives a notice from the county auditor under this subsection is not a party to the appeal.** Failure of the county auditor to send a copy of the notice to the affected taxing unit does not affect the validity of the appeal or delay the appeal.

(d) If a petition for review does not comply with the Indiana board's instructions for completing the form prescribed under section 3 of this chapter, the Indiana board shall return the petition to the petitioner and include a notice describing the defect in the petition. The petitioner then has thirty (30) days from the date on the notice to cure the defect and file a corrected petition. The Indiana board shall deny a corrected petition for review if it does not substantially comply with the Indiana board's instructions for completing the form prescribed under section 3 of this chapter.

(e) The Indiana board shall prescribe a form for use in processing petitions for review of actions by the county property tax assessment board of appeals. The Indiana board shall issue instructions for completion of the form. The form must require the Indiana board to indicate agreement or disagreement with each item that is:

- (1) if the county or township official held a preliminary conference under section 1(f) of this chapter, indicated on the petition submitted under that section by the taxpayer and the official; and
- (2) included in the county property tax assessment board of appeals' findings, record, and determination under section 2.1(d) of this chapter.

The form must also require the Indiana board to indicate the issues in dispute and its reasons in support of its resolution of those issues.

(f) After the hearing the Indiana board shall give the petitioner, the township assessor, the county assessor, **and** the county auditor: ~~and the affected taxing units required to be notified under subsection (c):~~

- (1) notice, by mail, of its final determination;
- (2) a copy of the form completed under subsection (e); and
- (3) notice of the procedures they must follow in order to obtain court review under section 5 of this chapter.

The county auditor shall provide copies of the documents described in subdivisions (1) through (3) to the taxing units entitled to notice under subsection (c).

(g) Except as provided in subsection (h), the Indiana board shall conduct a hearing not later than nine (9) months after a petition in proper form is filed with the Indiana board, excluding any time due to a delay reasonably caused by the petitioner.

(h) With respect to an appeal of a real property assessment that takes effect on the assessment date on which a general reassessment of real property takes effect under IC 6-1.1-4-4, the Indiana board shall conduct a hearing not later than one (1) year after a petition in proper form is filed with the Indiana board, excluding any time due to a delay reasonably caused by the petitioner.

(i) Except as provided in subsection (j), the Indiana board shall make a determination not later than the later of:

- (1) ninety (90) days after the hearing; or
- (2) the date set in an extension order issued by the Indiana board.

(j) With respect to an appeal of a real property assessment that takes effect on the assessment date on which a general reassessment of real property takes effect under IC 6-1.1-4-4, the Indiana board shall make a determination not later than the later of:

- (1) one hundred eighty (180) days after the hearing; or
- (2) the date set in an extension order issued by the Indiana board.

(k) ~~Except as provided in subsection (p);~~ The Indiana board may not extend the final determination date under subsection (i) or (j) by more than one hundred eighty (180) days. If the Indiana board fails to make a final determination within the time allowed by this ~~subsection;~~ **section after a hearing,** the entity that initiated the petition may:

- (1) take no action and wait for the Indiana board to make a final determination; or
- (2) petition for judicial review under section 5(g) of this chapter.

(l) A final determination must include separately stated findings of fact for all aspects of the determination. Findings of ultimate fact must be accompanied by a concise statement of the underlying basic facts of record to support the findings. Findings must be based exclusively upon the evidence on the record in the proceeding and on matters officially noticed in the proceeding. Findings must be based upon a preponderance of the evidence.

(m) The Indiana board may limit the scope of the appeal to the issues raised in the petition and the evaluation of the evidence presented to the county property tax assessment board of appeals in support of those issues only if all persons participating in the hearing required under subsection (a) agree to the limitation. A person participating in the hearing required under subsection (a) is entitled to introduce evidence that is otherwise proper and admissible without regard to whether that evidence has previously been introduced at a hearing before the county property tax assessment board of appeals.

(n) The Indiana board:

- (1) may require the parties to the appeal to file not more than five (5) business days before the date of the hearing required under subsection (a) documentary evidence or summaries of statements of testimonial evidence; and
- (2) may require the parties to the appeal to file not more than fifteen (15) business days before the date of the hearing required under subsection (a) lists of witnesses and exhibits to be introduced at the hearing.

(o) A party to a proceeding before the Indiana board shall provide to another party to the proceeding the information described in subsection (n) if the other party requests the information in writing at least ten (10) days before the deadline for filing of the information under subsection (n).

(p) The county assessor may:

- (1) appear as an additional party if the notice of appearance is filed before the review proceeding; or
- (2) with the approval of the township assessor, represent the township assessor;

in a review proceeding under this section.

(q) The Indiana board may base its final determination on a stipulation between the respondent and the petitioner. If the final determination is based on a stipulated assessed valuation of tangible property, the Indiana board may order the placement of a notation on the permanent assessment record of the tangible property that the assessed valuation was determined by stipulation. The Indiana board may:

- (1) order that a final determination under this subsection has no precedential value; or
- (2) specify a limited precedential value of a final determination under this subsection."

Page 11, line 27, after "." insert **"If the county auditor makes the amendment as a result of information provided to the county auditor by an assessor, the county auditor shall give notice of the public hearing to the assessor."**

Page 11, line 31, delete "if the amendment under subsection (d) is" and insert "if:".

Page 11, delete line 32.

Page 11, line 33, after "(1)" insert **"the amendment under subsection (d) is proposed to"**.

Page 11, line 35, delete "or".

Page 11, line 36, after "(2)" insert **"the amendment under subsection (d) is proposed to"**.

Page 11, line 39, delete "." and insert **"; or"**

(3) the county auditor determines that the amendment under subsection (d) will not result in an increase in the tax rate or tax rates of the political subdivision."

Page 11, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 21. IC 6-1.1-17-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The officers of political subdivisions shall meet each year to fix the budget, tax rate, and tax levy of their respective subdivisions for the ensuing budget year as follows:

- (1) The fiscal body of a consolidated city and county, not later than the last meeting of the fiscal body in September.
- (2) The fiscal body of a second class city, not later than September 30.
- (3) The board of school trustees of a school corporation that is located in a city having a population of more than one hundred five thousand (105,000) but less than one hundred twenty thousand (120,000), not later than:
 - (A) the time required in section 5.6(b) of this chapter; or
 - (B) September 20 if a resolution adopted under section 5.6(d) of this chapter is in effect.
- (4) The proper officers of all other political subdivisions, not

later than September 20.

Except in a consolidated city and county and in a second class city, the public hearing required by section 3 of this chapter must be completed at least ten (10) days before the proper officers of the political subdivision meet to fix the budget, tax rate, and tax levy. In a consolidated city and county and in a second class city, that public hearing, by any committee or by the entire fiscal body, may be held at any time after introduction of the budget.

(b) Ten (10) or more taxpayers may object to a budget, tax rate, or tax levy of a political subdivision fixed under subsection (a) by filing an objection petition with the proper officers of the political subdivision not more than seven (7) days after the hearing. The objection petition must specifically identify the provisions of the budget, tax rate, and tax levy to which the taxpayers object.

(c) If a petition is filed under subsection (b), the fiscal body of the political subdivision shall adopt with its budget a finding concerning the objections in the petition and any testimony presented at the adoption hearing.

(d) This subsection does not apply to a school corporation. Each year at least two (2) days before the first meeting of the county board of tax adjustment held under IC 6-1.1-29-4, a political subdivision shall file with the county auditor:

(1) a statement of the tax rate and levy fixed by the political subdivision for the ensuing budget year;

(2) a statement that specifies the amount and revenue sources used to temporarily decrease the tax rate and levy fixed by the political subdivision for the ensuing budget year, in the form prescribed by the department of local government finance;

~~(2)~~ **(3)** two (2) copies of the budget adopted by the political subdivision for the ensuing budget year; and

~~(3)~~ **(4)** two (2) copies of any findings adopted under subsection (c).

Each year the county auditor shall present these items to the county board of tax adjustment at the board's first meeting.

(e) In a consolidated city and county and in a second class city, the clerk of the fiscal body shall, notwithstanding subsection (d), file the adopted budget and tax ordinances with the county board of tax adjustment within two (2) days after the ordinances are signed by the executive, or within two (2) days after action is taken by the fiscal body to override a veto of the ordinances, whichever is later.

(f) If a fiscal body does not fix the budget, tax rate, and tax levy of the political subdivisions for the ensuing budget year as required under this section, the most recent annual appropriations and annual tax levy are continued for the ensuing budget year.

SECTION 22. IC 6-1.1-17-15.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15.2 (a) This section does not apply to a school corporation.**

(b) When the county auditor certifies the levy, tax rate, and budget of a political subdivision to the department of local government finance for review, the county auditor shall forward with the political subdivision's levy, tax rate, and budget the political subdivision's statement that specifies the amount and revenue sources used to temporarily decrease the tax rate and levy fixed by the political subdivision for the ensuing budget year, in the form prescribed by the department of local government finance."

Page 14, between lines 39 and 40, begin a new paragraph and insert:

"Levy excess" has the meaning set forth in section 17 of this chapter."

Page 15, between lines 13 and 14, begin a new paragraph and insert:

"Temporary adjustment" refers to an adjustment in the part of a civil taxing unit's ad valorem property tax levy subject to the ad valorem property tax limits under section 3 of this chapter that results from the inclusion of any of the following in the civil taxing unit's levy or budget:

- (1) A levy excess.**
- (2) Surplus operating cash balances.**
- (3) Revenue received by the civil taxing unit under IC 6-3.5-1.1, IC 6-3.5-6, or IC 6-3.5-7.**
- (4) Any other levy adjustment determined by the department of local government finance to be extraordinary."**

Page 15, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 25. IC 6-1.1-18.5-13.7 IS ADDED TO TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13.7. (a) With respect to an appeal filed under section 12 of this chapter, the local government tax control board may recommend that the department of local government finance give permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit meets the following criteria:

- (1) The civil taxing unit's per capita ad valorem tax levy for the calendar year immediately preceding the ensuing calendar year is below the statewide average for similar civil taxing units in Indiana for the same year.**
- (2) Subject to subsection (b), the civil taxing unit's rate of population increase during the calendar year that immediately precedes the calendar year described in subdivision (1) is greater than the statewide rate of population increase during the same calendar year.**

(b) For purposes of:

- (1) determining a civil taxing unit's population during the year described in subsection (a)(2); and**
- (2) comparing that population to the population of the civil taxing unit during the calendar year immediately preceding that year, in order to compute a rate of population increase under subsection (a)(2);**

the department of local government finance shall reduce the civil taxing unit's population by the amount of any population increase that is attributable to an annexation or other expansion of the civil taxing unit's territory that takes effect during the year described in subsection (a)(2).

(c) Notwithstanding IC 1-1-3.5, if the department of local government finance determines that information available from the Bureau of the Census is not sufficient for the purposes of making accurate determinations of population under this section, the civil taxing unit shall submit the information that the department considers necessary to make a determination under this subdivision."

Page 17, between lines 21 and 22, begin a new paragraph and

insert:

"SECTION 28. IC 6-1.1-22-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The county treasurer shall either:

(1) mail to the last known address of each person liable for any property taxes or special assessment, as shown on the tax duplicate or special assessment records, or to the last known address of the most recent owner shown in the transfer book a statement of current and delinquent taxes and special assessments; or

(2) transmit by written, electronic, or other means to a mortgagee maintaining an escrow account for a person who is liable for any property taxes or special assessments, as shown on the tax duplicate or special assessment records a statement of current and delinquent taxes and special assessments.

(b) The county treasurer may include the following in the statement:

(1) An itemized listing for each property tax levy, including:

- (A) the amount of the tax rate;**
- (B) the entity levying the tax owed; and**
- (C) the dollar amount of the tax owed.**

(2) Information designed to inform the taxpayer or mortgagee clearly and accurately of the manner in which the taxes billed in the tax statement are to be used.

A form used and the method by which the statement and information, if any, are transmitted must be approved by the state board of accounts. The county treasurer may mail or transmit the statement and information, if any, one (1) time each year at least fifteen (15) days before the date on which the first or only installment is due. Whenever a person's tax liability for a year is due in one (1) installment under IC 6-1.1-7-7 or section 9 of this chapter, a statement that is mailed must include the date on which the installment is due and denote the amount of money to be paid for the installment. Whenever a person's tax liability is due in two (2) installments, a statement that is mailed must contain the dates on which the first and second installments are due and denote the amount of money to be paid for each installment.

(c) All payments of property taxes and special assessments shall be made to the county treasurer. The county treasurer, when authorized by the board of county commissioners, may open temporary offices for the collection of taxes in cities and towns in the county other than the county seat.

(d) Before July 1, 2004, the department of local government finance shall designate five (5) counties to participate in a pilot program to implement the requirements of subsection (e). The department shall immediately notify the county treasurer, county auditor, and county assessor in writing of the designation under this subsection. The legislative body of a county not designated for participation in the pilot program may adopt an ordinance to implement the requirements of subsection (e). The legislative body shall submit a copy of the ordinance to the department of local government finance, which shall monitor the county's implementation of the requirements of subsection (e) as if the county were a participant in the pilot program. The requirements of subsection (e) apply:

(1) only in:

(A) a county designated to participate in a pilot program under this subsection, for property taxes first due and payable after

December 31, 2004, and before January 1, 2008; or

(B) a county adopting an ordinance under this subsection, for property taxes first due and payable after December 31, 2003, or December 31, 2004 (as determined in the ordinance), and before January 1, 2008; and

(2) in all counties for taxes first due and payable after December 31, 2007.

(e) Subject to subsection (d), regardless of whether a county treasurer transmits a statement of current and delinquent taxes and special assessments to a person liable for the taxes under subsection (a)(1) or to a mortgagee under subsection (a)(2), the county treasurer shall mail the following information to the last known address of each person liable for the property taxes or special assessments or to the last known address of the most recent owner shown in the transfer book. The county treasurer shall mail the information not later than the date the county treasurer transmits a statement for the property under subsection (a)(1) or (a)(2). The county treasurer, county auditor, and county assessor shall cooperate to generate the information to be included on the form. The information that must be provided is the following:

(1) A breakdown showing the total property tax and special assessment liability and the amount of the taxpayer's liability that will be distributed to each taxing unit in the county.

(2) A comparison showing any change in the assessed valuation for the property as compared to the previous year.

(3) A comparison showing any change in the property tax and special assessment liability for the property as compared to the previous year. The information required under this subdivision must identify:

(A) the amount of the taxpayer's liability distributable to each taxing unit in which the property is located in the current year and in the previous year; and

(B) the ~~percentage~~ change, if any, in the amount of the taxpayer's liability distributable to each taxing unit in which the property is located from the previous year to the current year.

(4) An explanation of the following:

(A) The homestead credit and all property tax deductions.

(B) The procedure and deadline for filing for the homestead credit and each deduction.

(C) The procedure that a taxpayer must follow to:

(i) appeal a current assessment; or

(ii) petition for the correction of an error related to the taxpayer's property tax and special assessment liability.

(D) The forms that must be filed for an appeal or a petition described in clause (C).

The department of local government finance shall provide the explanation required by this subdivision to each county treasurer.

(5) A checklist that shows:

(A) the homestead credit and all property tax deductions; and

(B) whether the homestead credit and each property tax deduction applies in the current statement for the property transmitted under subsection (a)(1) or (a)(2).

(f) The information required to be mailed under subsection (e) must be simply and clearly presented and understandable to the average individual.

(g) A county that incurs:

(1) initial computer programming costs directly related to implementation of the requirements of subsection (e); or

(2) printing costs directly related to mailing information under subsection (e);

shall submit an itemized statement of the costs to the department of local government finance for reimbursement from the state. The treasurer of state shall pay a claim approved by the department of local government finance and submitted under this section on a warrant of the auditor of state. However, the treasurer of state may not pay any additional claims under this subsection after the total amount of claims paid reaches fifty thousand dollars (\$50,000)."

Page 18, delete lines 39 through 42, begin a new paragraph and insert:

"SECTION 31. IC 6-1.1-36-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1.5. (a) Subject to subsections (b) and (c), and except as provided in subsection (d), a document, including a form, a return, or a writing of any type, which must be filed by a due date under this article or IC 6-1.5, is considered to be filed by the due date if the document is:**

(1) received on or before the due date by the appropriate recipient;

(2) deposited in United States first class mail:

(A) properly addressed to the appropriate recipient;

(B) with sufficient postage; and

(C) postmarked by the United States Postal Service as mailed on or before the due date;

(3) deposited with a nationally recognized express parcel carrier and is:

(A) properly addressed to the appropriate recipient; and

(B) verified by the express parcel carrier as:

(i) paid in full for final delivery; and

(ii) received by the express parcel carrier on or before the due date; or

(4) deposited to be mailed through United States registered mail, United States certified mail, or United States certificate of mailing:

(A) properly addressed to the appropriate recipient;

(B) with sufficient postage; and

(C) with a date of registration, certification, or certificate, as evidenced by any record authenticated by the United States Postal Service, on or before the due date.

For purposes of this subsection, "postmarked" does not mean the date printed by a postage meter that affixes postage to the envelope or package containing a payment.

(b) If a document is mailed through the United States mail and is physically received after the due date without a legible correct postmark, the person who mailed the document is considered to have filed the document on or before the due date if the person can show by reasonable evidence that the document was deposited in the United States mail on or before the due date.

(c) If a document is sent via the United States mail or a nationally recognized express parcel carrier but is not received by the designated recipient, the person who sent the document is considered to have filed the document on or before the due date if the person:

(1) can show by reasonable evidence that the document was deposited in the United States mail, or with the express

parcel carrier, on or before the due date; and
(2) files a duplicate document within thirty (30) days after the date the person is notified that the document was not received.

(d) This section does not apply to a payment addressed in IC 6-1.1-37-10(f).

SECTION 32. IC 6-1.1-37-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) Except as provided in section 10.5 of this chapter, if an installment of property taxes is not completely paid on or before the due date, a penalty equal to ten percent (10%) of the amount of delinquent taxes shall be added to the unpaid portion in the year of the initial delinquency.

(b) With respect to property taxes due in two (2) equal installments under IC 6-1.1-22-9(a), on the day immediately following the due dates in May and November of each year following the year of the initial delinquency, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added. With respect to property taxes due in installments under IC 6-1.1-22-9.5, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added on the day immediately following each date that succeeds the last installment due date by:

- (1) six (6) months; or
- (2) a multiple of six (6) months.

(c) The penalties under subsection (b) are imposed only on the principal amount of the delinquent taxes.

(d) If the department of local government finance determines that an emergency has occurred which precludes the mailing of the tax statement in any county at the time set forth in IC 6-1.1-22-8, the department shall establish by order a new date on which the installment of taxes in that county is due and no installment is delinquent if paid by the date so established.

(e) If any due date falls on a Saturday, a Sunday, a national legal holiday recognized by the federal government, or a statewide holiday, the act that must be performed by that date is timely if performed by the next succeeding day that is not a Saturday, a Sunday, or one (1) of those holidays.

(f) Subject to subsections (g) and (h), a payment to the county treasurer is considered to have been paid by the due date if the payment is:

- (1) received on or before the due date ~~to~~ **by** the county treasurer or a collecting agent appointed by the county treasurer;
- (2) deposited in ~~the~~ United States **first class** mail:

(A) properly addressed to the principal office of the county treasurer;

(B) with sufficient postage; and

(C) ~~certified or~~ postmarked by the United States Postal Service as mailed on or before the due date; ~~or~~

- (3) deposited with a nationally recognized express parcel carrier and is:

(A) properly addressed to the principal office of the county treasurer; and

(B) verified by the express parcel carrier as:

- (i) paid in full for final delivery; and
- (ii) received **by the express parcel carrier** on or before the due date;

(4) deposited to be mailed through United States registered mail, United States certified mail, or United States certificate of mailing:

(A) properly addressed to the principal office of the county treasurer;

(B) with sufficient postage; and

(C) with a date of registration, certification, or certificate, as evidenced by any record authenticated by the United States Postal Service, on or before the due date; or

(5) made by an electronic fund transfer and the taxpayer's bank account is charged on or before the due date.

For purposes of this subsection, "postmarked" does not mean the date printed by a postage meter that affixes postage to the envelope or package containing a payment.

(g) If a payment is mailed through the United States mail and is physically received after the due date without a legible correct postmark, the person who mailed the payment is considered to have made the payment on or before the due date if the person can show by reasonable evidence that the payment was deposited in the United States mail on or before the due date.

(h) If a payment is sent via the United states mail or a nationally recognized express parcel carrier but is not received by the designated recipient, the person who sent the payment is considered to have made the payment on or before the due date if the person:

(1) can show by reasonable evidence that the payment was deposited in the United States mail, or with the express parcel carrier, on or before the due date; and

(2) makes a duplicate payment within thirty (30) days after the date the person is notified that the payment was not received.

SECTION 33. IC 6-1.1-40-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) **Subject to subsection (e),** an owner of new manufacturing equipment or inventory, or both, whose statement of benefits is approved is entitled to a deduction from the assessed value of that equipment and inventory for a period of ten (10) years. Except as provided in subsections (c) and (d), **and subject to subsection (e),** for the first five (5) years, the amount of the deduction for new manufacturing equipment that an owner is entitled to for a particular year equals the assessed value of the new manufacturing equipment. **Subject to subsection (e),** for the sixth through the tenth year, the amount of the deduction equals the product of:

(1) the assessed value of the new manufacturing equipment; multiplied by

(2) the percentage prescribed in the following table:

YEAR OF DEDUCTION	PERCENTAGE
6th	100%
7th	95%
8th	80%
9th	65%
10th	50%
11th and thereafter	0%

(b) For the first year the amount of the deduction for inventory equals the assessed value of the inventory. For the next nine (9) years, the amount of the deduction equals:

(1) the assessed value of the inventory for that year; multiplied by

(2) the owner's export sales ratio for the previous year, as certified by the department of state revenue under IC 6-3-2-13.

(c) A deduction under this section is not allowed in the first year the deduction is claimed for new manufacturing equipment to the extent that it would cause the assessed value of all of the personal property of the owner in the taxing district in which the equipment is located to be less than the assessed value of all of the personal property of the owner in that taxing district in the immediately preceding year.

(d) If a deduction is not fully allowed under subsection (c) in the first year the deduction is claimed, then the percentages specified in subsection (a) apply in the subsequent years to the amount of deduction that was allowed in the first year.

(e) For purposes of subsection (a), the assessed value of new manufacturing equipment that is part of an owner's assessable depreciable personal property in a single taxing district subject to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 is the product of:

(1) the assessed value of the equipment determined without regard to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9; multiplied by

(2) the quotient of:

(A) the amount of the valuation limitation determined under 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 for all of the owner's depreciable personal property in the taxing district; divided by

(B) the total true tax value of all of the owner's depreciable personal property in the taxing district that is subject to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 determined:

(i) under the depreciation schedules in the rules of the department of local government finance before any adjustment for abnormal obsolescence; and

(ii) without regard to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9.

SECTION 34. IC 6-1.5-4-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2. In order to obtain information that is necessary to the Indiana board's conduct of a necessary or proper inquiry, the Indiana board or a board administrative law judge may:**

(1) subpoena and examine witnesses;

(2) administer oaths; and

(3) subpoena and examine books or papers that are in the hands of any person.

SECTION 35. IC 6-1.5-5-2, AS AMENDED BY P.L.199-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2. (a) After receiving a petition for review that is filed under a statute listed in section 1(a) of this chapter, the Indiana board shall, at its earliest opportunity:**

(1) conduct a hearing; or

(2) cause a hearing to be conducted by an administrative law judge.

The Indiana board may determine to conduct the hearing under subdivision (1) on its own motion or on request of a party to the appeal.

(b) In its resolution of a petition, the Indiana board may:

(1) assign:

(A) full;

(B) limited; or

(C) no;

evidentiary value to the assessed valuation of tangible property determined by stipulation submitted as evidence of a comparable sale; and

(2) correct any errors that may have been made, and adjust the assessment in accordance with the correction.

(c) The Indiana board shall give notice of the date fixed for the hearing by mail to:

(1) the taxpayer;

(2) the department of local government finance; and

(3) the appropriate:

(A) township assessor;

(B) county assessor; and

(C) county auditor.

(d) With respect to an appeal of the assessment of real property or personal property filed after June 30, 2005, the notices required under subsection (c) must include the following:

(1) The action of the department of local government finance with respect to the appealed items.

(2) A statement that a taxing unit receiving the notice from the county auditor under subsection (e) may:

(A) attend the hearing;

(B) offer testimony; and

(C) file an amicus curiae brief in the proceeding.

A taxing unit that receives a notice from the county auditor under subsection (e) is not a party to the appeal.

(e) If, after receiving notice of a hearing under subsection (c), the county auditor determines that the assessed value of the appealed items constitutes at least one percent (1%) of the total gross certified assessed value of a particular taxing unit for the assessment date immediately preceding the assessment date for which the appeal was filed, the county auditor shall send a copy of the notice to the affected taxing unit. A taxing unit that receives a notice from the county auditor under this subsection is not a party to the appeal. Failure of the county auditor to send a copy of the notice to the affected taxing unit does not affect the validity of the appeal or delay the appeal.

(f) The Indiana board shall give the notices required under subsection (c) at least thirty (30) days before the day fixed for the hearing.

SECTION 36. IC 6-1.5-5-5, AS AMENDED BY P.L.199-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5. After the hearing, the Indiana board shall give the petitioner, the township assessor, the county assessor, the county auditor, the affected taxing units required to be notified under section 2(e) of this chapter,** and the department of local government finance:

(1) notice, by mail, of its final determination, findings of fact, and conclusions of law; and

(2) notice of the procedures the petitioner or the department of local government finance must follow in order to obtain court review of the final determination of the Indiana board.

The county auditor shall provide copies of the documents described in subdivisions (1) and (2) to the taxing units entitled to notice under section 2(e) of this chapter.

SECTION 37. IC 6-1.5-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6. (a) The Indiana**

board shall conduct a hearing or cause a hearing to be conducted within six (6) months after a petition in proper form is filed with the Indiana board, excluding any time due to a delay reasonably caused by the petitioner.

(b) The Indiana board shall make a final determination within the later of forty-five (45) days after the hearing or the date set in an extension order issued by the Indiana board. However, the Indiana board may not extend the final determination date by more than one hundred eighty (180) days.

(c) The failure of the Indiana board to conduct a hearing within the period prescribed in this section does not constitute notice to the person of an Indiana board final determination.

~~(c) The failure of~~ **(d) If the Indiana board fails to make a final determination within the time allowed by this section shall be treated as a final determination of after a hearing, the entity that initiated the petition may:**

(1) take no action and wait for the Indiana board to deny the petition; make a final determination; or

(2) initiate a proceeding for judicial review by taking the action required by IC 6-1.1-15-5(b) at any time after the maximum time elapses.

(e) If:

(1) a judicial proceeding is initiated under subsection (d); and

(2) the Indiana board has not issued a determination;

the tax court shall determine the matter de novo."

Page 19, delete lines 1 through 3.

Page 19, line 5, after "as" insert **"added or"**.

Page 19, between lines 17 and 18, begin a new line block indented and insert:

"(12) IC 6-1.1-12.1-4.5.

(13) IC 6-1.1-17-5.

(14) IC 6-1.1-17-15.2."

Page 19, line 18, delete "(12)" and insert **"(15)"**.

Page 19, between lines 18 and 19, begin a new line block indented and insert:

"(16) IC 6-1.1-18.5-13.7."

Page 19, line 19, delete "(13)" and insert **"(17)"**.

Page 19, line 20, delete "(14)" and insert **"(18)"**.

Page 19, between lines 20 and 21, begin a new line block indented and insert:

"(19) IC 6-1.1-40-10.

SECTION 39. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)] IC 6-1.1-4-12, as amended by this act, applies only to assessment dates after December 31, 2005.

SECTION 40. [EFFECTIVE UPON PASSAGE] (a) This SECTION applies notwithstanding IC 6-1.1-8 or 50 IAC 5.1.

(b) As used in this SECTION, "amended return" means a return:

(1) that was filed after July 31, 2005; and

(2) that the department accepts as a taxpayer's final amended return for the assessment date.

(c) As used in this SECTION, "assessment date" means the March 1, 2005, assessment date.

(d) As used in this SECTION, "department" refers to the department of local government finance.

(e) As used in this SECTION, "return" means the statement of value and description of property required under IC 6-1.1-8-19

that is filed on the Annual Report (U.D. Form 45), as prescribed by the department, and is filed with the department on or before July 31, 2005.

(f) As used in this SECTION, "taxpayer" means a taxpayer that meets the requirements of subsection (g).

(g) This SECTION applies to any taxpayer that:

(1) is a public utility that provides water utility services in Indiana and is subject to taxation under IC 6-1.1-8;

(2) is required to file a return under IC 6-1.1-8-19;

(3) filed a return with the department with respect to the assessment date; and

(4) filed an amended return with the department with respect to the assessment date.

(h) Before June 1, 2006, the department shall review the assessed value identified on line 47 of the taxpayer's amended return as the assessed value of all the taxpayer's distributable property as of the assessment date. If the department determines that this assessed value:

(1) is correct; and

(2) is less than the assessed value identified in the taxpayer's return as the assessed value of all the taxpayer's distributable property as of the assessment date;

the taxpayer is entitled to a credit under this SECTION.

(i) Before July 1, 2006, the department shall determine the amount of the credit to which a taxpayer is entitled under this SECTION and notify the county auditor of that amount. For purposes of this subsection, the department shall assume that the taxpayer will pay the full amount of the taxpayer's installment or installments of property taxes first due and payable after June 30, 2006, and before January 1, 2007.

(j) The amount of the credit under this SECTION:

(1) is the remainder of:

(A) the amount of property taxes the taxpayer pays with respect to its distributable property for taxes first due and payable in 2006; minus

(B) the amount of property taxes for which the taxpayer would have been liable with respect to its distributable property for taxes first due and payable in 2006 if those property taxes had been based on the assessed value identified on line 47 of the taxpayer's amended return instead of the assessed value identified in the taxpayer's return; and

(2) applies proportionately to the taxpayer's installments of property taxes first due and payable in 2007.

(k) Interest does not apply in the determination of the amount of the credit under this SECTION.

(l) The county auditor shall adjust the assessed value used in setting property tax rates for each political subdivision in the county for property taxes first due and payable in 2007 to eliminate levy reductions that would otherwise result from the application of credits under this SECTION.

(m) In setting property tax rates for property taxes first due and payable in 2007 for each political subdivision in the county, the department shall:

(1) use the assessed value as adjusted by the county auditor under subsection (l); or

(2) further adjust the assessed value for the following purposes:

(A) To ensure the elimination of levy reductions that would otherwise result from the application of credits under this SECTION.

(B) To account for a failure of the taxpayer to pay property taxes in the amount assumed under subsection (i)."

Renumber all SECTIONS consecutively.

(Reference is to SB 260 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 112, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 13, between lines 1 and 2, begin a new paragraph and insert:

"Sec. 17. (a) A family shall participate in the cost of programs and services provided under this chapter to the extent allowed by federal law according to the following cost participation schedule:

Percentage of Federal Income Poverty Level		Copayment Per Treatment	Maximum Monthly Cost Share
At Least	But Not More Than		
0%	250%	\$ 0	\$ 0
251%	350%	\$ 3	\$ 24
351%	450%	\$ 6	\$ 48
451%	550%	\$ 15	\$ 120
551%	650%	\$ 25	\$ 200
651%	750%	\$ 50	\$ 400
751%	850%	\$ 75	\$ 600
851%	1000%	\$ 100	\$ 800
1001%		\$ 120	\$ 960

(b) A cost participation plan used by the division for families to participate in the cost of the programs and services provided under this chapter:

(1) must:

(A) be based on income and ability to pay;

(B) provide for a review of a family's cost participation amount:

(i) annually; and

(ii) within thirty (30) days after the family reports a reduction in income; and

(C) allow the division to waive a required copayment if:

(i) other medical expenses or personal care needs expenses for any member of the family reduce the level of income the family has available to pay copayments under this section; or

(ii) the program receives payment from the family's health care coverage;

(2) may allow a family to voluntarily contribute payments that exceed the family's required cost participation amount;

(3) must require the family to allow the division access to all health care coverage information that the family has concerning the infant or toddler who is to receive services;

(4) must require families to consent to the division billing third party payors for early intervention services provided; and

(5) may allow the division to waive the billing to third party payors if the family is able to demonstrate financial or personal hardship on the part of the family member.

(c) Funds received through a cost participation plan under this section must be used to fund programs described in section 18 of this chapter."

Page 13, line 2, delete "Sec. 17. (a)" and insert "Sec. 18."

Page 13, delete lines 8 through 42.

Page 14, delete lines 1 through 14.

Page 14, line 15, delete "(f)" and insert "Sec. 19."

Page 14, line 36, delete "Sec. 18." and insert "Sec. 20."

(Reference is to SB 112 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 203, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 13, line 3, delete "(a) A public employee, a public official, or an employee".

Page 13, delete lines 4 through 7.

Page 13, line 8, delete "(b)".

Page 13, run in lines 3 through 8.

Page 13, delete lines 23 through 26.

(Reference is to SB 203 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill 92, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 2-5-28 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 28. License Branch Operation and Closure Commission

Sec. 1. Except as provided in this chapter, the definitions in IC 9-13-2 apply throughout this chapter.

Sec. 2. As used in this chapter, "commission" refers to the license branch operation and closure commission established by section 3 of this chapter.

Sec. 3. The license branch operation and closure commission is established.

Sec. 4. The commission consists of the following:

(1) Four (4) members of the senate appointed by the president pro tempore of the senate. Not more than two (2) members appointed under this subdivision may be members of the same political party.

(2) Four (4) members of the house of representatives appointed by the speaker of the house of representatives. Not more than two (2) members appointed under this subdivision may be members of the same political party.

Sec. 5. The commission shall study all aspects of the operation of license branches.

Sec. 6. (a) Before the bureau may close or relocate a license branch, the commissioner must submit to the commission a detailed report describing the proposal and the reasons for the proposal.

(b) Upon receiving a report under this section, the commission's chair shall call a meeting of the commission to act upon the report. The commission shall act upon the report not later than sixty (60) days after submission by the commissioner.

(c) The bureau may not implement the proposal until the commissioner responds to the commission's recommendation.

Sec. 7. The commission shall operate under the policies governing study committees adopted by the legislative council."

Page 1, delete lines 5 through 11, begin a new paragraph and insert:

"(b) Operation of license branches are subject to this article and IC 2-5-28.

SECTION 3. [EFFECTIVE JULY 1, 2006] (a) As used in this SECTION, "commission" refers to the license branch operation and closure commission established by IC 2-5-28, as added by this act.

(b) The commission shall study and determine the efficacy of the closing of the license branches at the following locations:

- (1) Bicknell.
- (2) Brownstown.
- (3) Butler.
- (4) Cambridge City.
- (5) Cayuga.
- (6) Chesterton.
- (7) Churubusco.
- (8) Clay City.
- (9) Dunkirk.
- (10) Elwood.
- (11) Garrett.
- (12) Gary.
- (13) Hagerstown.
- (14) Knightstown.
- (15) Lowell.
- (16) Middletown.
- (17) Montpelier.
- (18) Mooresville.
- (19) Morristown.
- (20) Mount Vernon.
- (21) Newburgh.

(22) North Judson.

(23) North Manchester.

(24) Odon.

(25) Ossian.

(26) Parker City.

(27) Rockport.

(28) Summitville.

(29) Syracuse.

(30) Union City.

(31) Warren.

(c) The commission shall include the results of the study in the commission's report to the legislative council.

(d) This SECTION expires January 1, 2007."

Renumber all SECTIONS consecutively.

(Reference is to SB 92 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 153, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-17-2-18, AS AMENDED BY P.L.234-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) The bureau shall make the agreements necessary for the effective administration of the plan with local governmental officials within Indiana. The bureau shall contract with:

(1) a prosecuting attorney;

(2) a private attorney **or private entity** if the bureau determines that a reasonable contract cannot be entered into with a prosecuting attorney and the determination is approved by at least two-thirds (2/3) of the Indiana child custody and support advisory committee (established by IC 33-24-11-1); or

(3) a collection agency licensed under IC 25-11 to collect arrearages on child support orders under which collections have not been made on arrearages for at least two (2) years;

in each judicial circuit to undertake activities required to be performed under Title IV-D of the federal Social Security Act (42 U.S.C. 651), including establishment of paternity, establishment, enforcement, and modification of child support orders, activities under the Uniform Reciprocal Enforcement of Support Act (IC 31-2-1, before its repeal) or the Uniform Interstate Family Support Act (IC 31-18, or IC 31-1.5 before its repeal), and if the contract is with a prosecuting attorney, prosecutions of welfare fraud.

(b) The hiring of ~~an~~ **a private attorney or private entity** by an agreement or a contract made under this section is not subject to the approval of the attorney general under IC 4-6-5-3. An agreement or a contract made under this section is not subject to IC 4-13-2-14.3 or IC 5-22.

(c) Subject to section 18.5 of this chapter, a prosecuting attorney with which the bureau contracts under subsection (a):

- (1) may contract with a collection agency licensed under IC 25-11 to provide child support enforcement services; and
- (2) shall contract with a collection agency licensed under IC 25-11 to collect arrearages on child support orders under which collections have not been made on arrearages for at least two (2) years.

(d) A prosecuting attorney or private attorney entering into an agreement or a contract with the bureau under this section enters into an attorney-client relationship with the state to represent the interests of the state in the effective administration of the plan and not the interests of any other person. An attorney-client relationship is not created with any other person by reason of an agreement or contract with the bureau.

(e) At the time that an application for child support services is made, the applicant must be informed that:

- (1) an attorney who provides services for the child support bureau is the attorney for the state and is not providing legal representation to the applicant; and
- (2) communications made by the applicant to the attorney and the advice given by the attorney to the applicant are not confidential communications protected by the privilege provided under IC 34-46-3-1.

(f) A prosecuting attorney or private attorney who contracts or agrees under this section to undertake activities required to be performed under Title IV-D is not required to mediate, resolve, or litigate a dispute between the parties relating to the amount of parenting time or parenting time credit.

(g) An agreement made under subsection (a) must contain requirements stipulating service levels a prosecuting attorney or private entity is expected to meet. The bureau shall disburse:

- (1) incentive money; or**
- (2) federal reimbursement funds;**

based on whether a prosecuting attorney or private entity meets service levels stipulated in an agreement made under subsection (a)."

Page 3, between lines 13 and 14, begin a new paragraph and insert:
 "SECTION 3. IC 12-17-2-26, AS AMENDED BY P.L.2-2005, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 26. (a) **Subject to subsection (d),** the Title IV-D agency shall provide incentive payments to counties for enforcing and collecting the support rights that have been assigned to the state. The incentive payments shall be made by the Title IV-D agency directly to the county and deposited in the county treasury for distribution on a quarterly basis and in ~~equal shares to~~ the following manner:

- (1) Twenty-two and two-tenths percent (22.2%) of the incentive payments shall be distributed to the county general fund.**
- (2) Thirty-three and four-tenths percent (33.4%) of the incentive payments shall be distributed to the operating budget of the prosecuting attorney.**
- (3) Twenty-two and two-tenths percent (22.2%) of the incentive payments shall be distributed to the operating budget of the circuit court clerk.**

(b) Notwithstanding IC 36-2-5-2(b), distribution from the county treasury under subsection (a) shall be made without the necessity of first obtaining an appropriation from the county fiscal body.

(c) The amount that a county receives and the terms under which the incentive payment is paid must be in accordance with relevant federal statutes and the federal regulations promulgated under the statutes. However, amounts received as incentive payments may not, without the approval of the county fiscal body, be used to increase or supplement the salary of an elected official. The amounts received as incentive payments must be used to supplement, rather than take the place of, other funds used for Title IV-D program activities.

(d) The Title IV-D agency shall retain twenty-two and two-tenths percent (22.2%) of the incentive payments described in subsection (a)."

Page 18, between lines 5 and 6, begin a new paragraph and insert:
"(d) The state central collection unit may collect any unpaid fee through any lawful means, including income withholding."

Page 20, line 5, delete "twenty-six dollars (\$26)" and insert **"thirty dollars (\$30)".**

Page 20, line 5, delete "If an".

Page 20, delete lines 6 through 11.

Renumber all SECTIONS consecutively.

(Reference is to SB 153 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 6, Nays 4.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 296, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 6.

Renumber all SECTIONS consecutively.

(Reference is to SB 296 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill 133, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 12, delete "vehicle" and insert **"tractor-semitrailer and load that:**

- (1) exceeds the maximum length limitation under this chapter; and**
- (2) is".**

Page 1, line 13, after "chapter" insert ";".

Page 1, line 13, beginning with "from" begin a new line blocked left.

(Reference is to SB 133 as introduced.)

and when so amended that said bill do pass.
Committee Vote: Yeas 8, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill 208, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, strike lines 30 through 38.

Page 2, line 39, delete "(g)" and insert "(f)".

Page 3, line 6, after "condition." insert "**The permittee or licensee is responsible for the accuracy of the information concerning the medical condition submitted under this subsection.**

(g) The bureau may adopt rules under IC 4-22-2 to carry out this section."

Page 4, strike lines 2 through 10.

Page 4, line 11, delete "(e)" and insert "(d)".

Page 4, line 20, after "condition." insert "**The applicant for an identification card is responsible for the accuracy of the information concerning the medical condition submitted under this subsection."**

(Reference is to SB 208 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 168, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 12.

Re-number all SECTIONS consecutively.

(Reference is to SB 168 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 139, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 3. IC 12-17.2-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The following constitute sufficient grounds for a denial of a license application:

- (1) A determination by the ~~division~~ **department of child services established by IC 31-33-1.5-2** of child abuse or neglect (as defined in IC 31-9-2-14) by the applicant **or by an employee**

or volunteer of the applicant.

(2) A criminal conviction of the applicant, or of an employee or a volunteer of the applicant, of any of the following:

(A) A felony.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a license under section 35 of this chapter.

(D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35.

(3) A determination by the division that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the division that the applicant made false statements in the records required by the division.

(5) A determination by the division that the applicant previously operated a:

(A) child care center without a license under this chapter; or

(B) child care home without a license under IC 12-17.2-5.

(b) Notwithstanding subsection (a)(2), if:

(1) a license application is denied due to a criminal conviction of an employee or a volunteer of the applicant; and

(2) the division determines that the employee or volunteer has been dismissed by the applicant;

the criminal conviction of the former employee or former volunteer does not require denial of a license application.

SECTION 4. IC 12-17.2-4-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. (a) The following constitute sufficient grounds for revocation of a license:

(1) A determination by the ~~division~~ **department of child services** of child abuse or neglect (as defined in IC 31-9-2-14) by the licensee **or by an employee or volunteer of the licensee.**

(2) A criminal conviction of the licensee, or of an employee or a volunteer of the licensee, of any of the following:

(A) A felony.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a license under section 35 of this chapter.

(D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35.

(3) A determination by the division that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the division that the licensee made false statements in the records required by the division.

(5) A determination by the division that the licensee previously operated a:

(A) child care center without a license under this chapter; or

(B) child care home without a license under IC 12-17.2-5.

(b) Notwithstanding subsection (a)(2), if:

(1) a license is revoked due to a criminal conviction of an employee or a volunteer of the licensee; and

(2) the division determines that the employee or volunteer has been dismissed by the licensee;

the criminal conviction of the former employee or former volunteer does not require revocation of a license.

SECTION 5. IC 12-17.2-4-36 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 36. (a) The department of child services shall conduct an investigation of a claim of abuse or**

neglect in a child care center.

(b) After an investigation under subsection (a), the department of child services shall make a determination of whether or not abuse or neglect occurred at the child care center.

(c) If the department of child services makes a determination, under IC 31-33-8-12, that abuse or neglect at the child care center is substantiated, the department shall send a copy of its report to the appropriate licensing office of the division.

SECTION 6. IC 12-17.2-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The following constitute sufficient grounds for a denial of a license application:

(1) A determination by the ~~division~~ **department of child services established by IC 31-33-1.5-2** of child abuse or neglect (as defined in IC 31-9-2-14) by the applicant **or by an employee or volunteer of the applicant.**

(2) A criminal conviction of the applicant, of an employee or a volunteer of the applicant, or of a member of the applicant's household, of any of the following:

- (A) A felony.
- (B) A misdemeanor related to the health or safety of a child.
- (C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.
- (D) A misdemeanor for operating a child care home without a license under section 35 of this chapter.

(3) A determination by the division that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the division that the applicant made false statements in the records required by the division.

(5) A determination by the division that the applicant previously operated a:

- (A) child care center without a license under IC 12-17.2-4; or
- (B) child care home without a license under this chapter.

(b) Notwithstanding subsection (a)(2), if:

- (1) a license application is denied due to a criminal conviction of:
 - (A) an employee or a volunteer of the applicant; or
 - (B) a member of the applicant's household; and

(2) the division determines that the:

- (A) employee or volunteer has been dismissed by the applicant; or
- (B) member of the applicant's household is no longer a member of the applicant's household;

the criminal conviction of the former employee, former volunteer, or former member does not require denial of a license application.

SECTION 7. IC 12-17.2-5-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. (a) The following constitute sufficient grounds for revocation of a license:

(1) A determination by the ~~division~~ **department of child services** of child abuse or neglect (as defined in IC 31-9-2-14) by the licensee **or by an employee or volunteer of the licensee.**

(2) A criminal conviction of the licensee, of an employee or a volunteer of the licensee, or of a member of the licensee's household, of any of the following:

- (A) A felony.
- (B) A misdemeanor related to the health or safety of a child.
- (C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.
- (D) A misdemeanor for operating a child care home without a license under section 35 of this chapter.

(3) A determination by the division that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the division that the licensee made false statements in the records required by the division.

(5) A determination by the division that the licensee previously operated a:

- (A) child care center without a license under IC 12-17.2-4; or
- (B) child care home without a license under this chapter.

(b) Notwithstanding subsection (a)(2), if:

(1) a license is revoked due to a criminal conviction of:

- (A) an employee or a volunteer of the licensee's; or
- (B) a resident of the licensee's household; and

(2) the division determines that the:

- (A) employee or volunteer has been dismissed by the licensee; or
- (B) member of the licensee's household is no longer a member of the licensee's household;

the criminal conviction of the former employee, former volunteer, or former member does not require revocation of a license.

SECTION 8. IC 12-17.2-5-37 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 37. (a) The department of child services shall conduct an investigation of a claim of abuse or neglect at a child care home.**

(b) After an investigation under subsection (a), the department of child services shall make a determination of whether or not abuse or neglect occurred at the child care home.

(c) If the department of child services makes a determination, under IC 31-33-8-12, that abuse or neglect at the child care home is substantiated, the department shall send a copy of its report to the appropriate licensing office at the division."

Page 11, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 10. IC 31-9-2-135 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 135. (a) "Wardship", for purposes of the juvenile law, means the responsibility for temporary care and custody of a child by transferring the rights and obligations from the child's parent, guardian, or custodian to the person granted wardship. Except to the extent a right or an obligation is specifically addressed in the court order establishing wardship, the rights and obligations of the person granted wardship include making decisions concerning the:**

- (1) physical custody of the child;**
- (2) care and supervision of the child;**
- (3) child's visitation with parents, relatives, or other individuals; and**
- (4) medical care and treatment of the child.**

(b) "Wardship" does not apply to requirements for consenting to an adoption under IC 31-19-9."

Page 11, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 31. IC 31-33-18-2, AS AMENDED BY P.L.234-2005, SECTION 155, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The reports and other material described in section 1(a) of this chapter and the unredacted reports and other material described in section 1(b) of this chapter shall be made available only to the following:

- (1) Persons authorized by this article.
- (2) A legally mandated public or private child protective agency investigating a report of child abuse or neglect or treating a child or family that is the subject of a report or record.
- (3) A police or other law enforcement agency, prosecuting attorney, or coroner in the case of the death of a child who is investigating a report of a child who may be a victim of child abuse or neglect.
- (4) A physician who has before the physician a child whom the physician reasonably suspects may be a victim of child abuse or neglect.
- (5) An individual legally authorized to place a child in protective custody if:
 - (A) the individual has before the individual a child whom the individual reasonably suspects may be a victim of abuse or neglect; and
 - (B) the individual requires the information in the report or record to determine whether to place the child in protective custody.
- (6) An agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record or a parent, guardian, custodian, or other person who is responsible for the child's welfare.
- (7) An individual named in the report or record who is alleged to be abused or neglected or, if the individual named in the report is a child or is otherwise incompetent, the individual's guardian ad litem or the individual's court appointed special advocate, or both.
- (8) Each parent, guardian, custodian, or other person responsible for the welfare of a child named in a report or record and an attorney of the person described under this subdivision, with protection for the identity of reporters and other appropriate individuals.
- (9) A court, for redaction of the record in accordance with section 1.5 of this chapter, or upon the court's finding that access to the records may be necessary for determination of an issue before the court. However, except for disclosure of a redacted record in accordance with section 1.5 of this chapter, access is limited to in camera inspection unless the court determines that public disclosure of the information contained in the records is necessary for the resolution of an issue then pending before the court.
- (10) A grand jury upon the grand jury's determination that access to the records is necessary in the conduct of the grand jury's official business.
- (11) An appropriate state or local official responsible for child protection services or legislation carrying out the official's official functions.
- (12) A foster care review board established by a juvenile court under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the court's determination that access to the records is necessary to enable the foster care review board to carry out the board's purpose under IC 31-34-21.
- (13) The community child protection team appointed under IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to enable the team to carry out the team's purpose under IC 31-33-3.
- (14) A person about whom a report has been made, with

protection for the identity of:

- (A) any person reporting known or suspected child abuse or neglect; and
 - (B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.
- (15) An employee of the division of family resources, a caseworker, or a juvenile probation officer conducting a criminal history check under IC 12-14-25.5-3, IC 31-34, or IC 31-37 to determine the appropriateness of an out-of-home placement for a:
- (A) child at imminent risk of placement;
 - (B) child in need of services; or
 - (C) delinquent child.

The results of a criminal history check conducted under this subdivision must be disclosed to a court determining the placement of a child described in clauses (A) through (C).

- (16) A local child fatality review team established under IC 12-13-15-6.
- (17) The statewide child fatality review committee established by IC 12-13-15.1-6.
- (18) The department.

(19) The division of family resources, if the investigation report:

- (A) is classified as substantiated; and**
 - (B) concerns:**
 - (i) an applicant for a license to operate;**
 - (ii) a person licensed to operate;**
 - (iii) an employee of; or**
 - (iv) a volunteer providing services at;**
- a child care center licensed under IC 12-17.2-4 or a child care home licensed under IC 12-17.2-5."**

Page 14, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 32. IC 31-34-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Subject to section 1.5 of this chapter, if a child is a child in need of services, the juvenile court may enter one (1) or more of the following dispositional decrees:

- (1) Order supervision of the child by the probation department or the county office of family and children.
- (2) Order the child to receive outpatient treatment:
 - (A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or
 - (B) from an individual practitioner.
- (3) Remove the child from the child's home and place the child in another home or shelter care facility. Placement under this subdivision includes authorization to control and discipline the child.
- (4) Award wardship to a person or shelter care facility. ~~Wardship under this subdivision does not include the right to consent to the child's adoption.~~
- (5) Partially or completely emancipate the child under section 6 of this chapter.
- (6) Order:
 - (A) the child; or
 - (B) the child's parent, guardian, or custodian; to receive family services.

(7) Order a person who is a party to refrain from direct or indirect contact with the child."

Page 15, after line 42, begin a new paragraph and insert:

"SECTION 36. IC 31-37-19-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Subject to section 6.5 of this chapter, if a child is a delinquent child under IC 31-37-2, the juvenile court may enter one (1) or more of the following dispositional decrees:

(1) Order supervision of the child by the probation department or the county office of family and children.

(2) Order the child to receive outpatient treatment:

(A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or

(B) from an individual practitioner.

(3) Remove the child from the child's home and place the child in another home or shelter care facility. Placement under this subdivision includes authorization to control and discipline the child.

(4) Award wardship to a person or shelter care facility. ~~Wardship under this subdivision does not include the right to consent to the child's adoption.~~

(5) Partially or completely emancipate the child under section 27 of this chapter.

(6) Order:

(A) the child; or

(B) the child's parent, guardian, or custodian; to receive family services.

(7) Order a person who is a party to refrain from direct or indirect contact with the child."

Renumber all SECTIONS consecutively.

(Reference is to SB 139 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 114, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 10, line 38, delete "no objections" and insert **"the written authorization of all interested persons"**.

(Reference is to SB 114 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 323, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 25.

Page 3, line 20, after "trusts." insert **"The following apply to this subdivision:**

(A) School corporations that elect to pool assets for coverage must create a trust for the assets. The trust is subject to regulation by the department of insurance as follows:

(i) The trust must register with the department of insurance.

(ii) The trust shall obtain stop-loss insurance issued by an insurer authorized to do business with an aggregate retention of not more than one hundred twenty-five percent (125%) of the amount of expected claims for the following year.

(iii) Contributions by the school corporations must be set to fund one hundred percent (100%) of the aggregate retention plus all other costs of the trust.

(iv) The trust shall maintain a fidelity bond in an amount approved by the department of insurance, covering each person responsible for the trust, to protect against acts of fraud or dishonesty in servicing the trust.

(v) The trust is subject to IC 27-4-1-4.5 regarding claims settlement practices.

(vi) The trust shall file an annual financial statement in the form required by IC 27-1-3-13 by March 1.

(vii) The trust is not covered by the Indiana insurance guaranty fund created under IC 27-6-8. The liability of each school corporation is joint and several.

(viii) The trust is subject to examination by the department of insurance. All costs associated with an examination shall be borne by the trust.

(ix) The department of insurance may deny, suspend, or revoke the registration of a trust if the commissioner finds that the trust is in a hazardous financial condition, the trust refuses to be examined or produce records for examination, or the trust has failed to pay a final judgment rendered against the trust by a court within thirty (30) days.

(B) The department of insurance may adopt rules under IC 4-22-2 to implement this subdivision.

(2) Each school corporation, and more than one (1) school corporation acting jointly, may be considered a single purchaser of natural gas energy by the school corporation's or school corporations' natural gas utility provider to qualify to purchase natural gas from any available natural gas seller. A rate schedule that is:

(A) filed by a natural gas utility; and

(B) approved by the Indiana utility regulatory commission; must include provisions that allow a school corporation or school corporations acting jointly to elect to be billed as a single purchaser of natural gas energy under reasonable terms and conditions."

Page 3, line 21, delete "(2)" and insert **"(3)"**.

Page 3, delete lines 26 through 28.

Page 3, line 29, delete "(D)" and insert **"(C)"**.

Page 3, line 30, delete "(E)" and insert **"(D)"**.

Page 3, line 30, delete "maintenance" and insert **"management"**.

Page 3, line 31, delete "(F)" and insert "(E)".
 Page 3, line 32, delete "(G)" and insert "(F)".
 Page 3, line 34, delete "(H)" and insert "(G)".
 Page 4, line 1, delete "facilities maintenance," and insert **"facilities,"**.
 Page 4, line 14, delete "clusters of".
 Page 4, line 22, delete "An" and insert **"School corporations and"**.
 Page 4, line 22, delete "center" and insert **"centers"**.
 Page 4, line 24, delete "for school corporation actions".
 Page 4, line 40, delete "periodically" and insert **"annually"**.
 Page 5, line 9, delete "budget," and insert **"budget and school corporation officials,"**.
 Page 5, line 19, delete "clusters," and insert **"common management,"**.
 Page 5, line 24, delete "budget and" and insert **"budget,"**.
 Page 5, line 24, after "department," insert **"and school corporation officials,"**.
 Page 5, line 29, delete "instructional activities expenditures, specifying all" and insert **"academic achievement expenditures."**.
 Page 5, delete lines 30 through 32.
 Page 5, line 33, delete "expenditures, including all" and insert **"expenditures."**.
 Page 5, delete lines 34 through 35.
 Page 5, line 36, delete "Operational expenditures, including all sums spent on or" and insert **"Overhead and operational expenditures."**.
 Page 5, delete line 37.
 Page 5, line 38, delete "expenditures, including all sums spent on" and insert **"expenditures."**.
 Page 5, delete lines 39 through 40.
 Page 6, line 7, delete "November 1," and insert **"December 31,"**.
 Page 6, line 22, after "recognize" insert **"publicly"**.
 Page 6, line 26, after "budget" insert **"and the division of finance of the department"**.
 Page 6, line 26, after "shall" insert **"be available to"**.
 Page 6, line 31, after "public" insert **"in the school corporation's annual performance report"**.
 Page 8, line 13, delete "system;" and insert **"system, including a plan for the department to work with the officials in each school corporation who are responsible for the management of the school corporation's finance, organizations, and other resources to create programs and curricula to develop the officials' financial management skills and abilities as well as train them in the use of the system;"**.
 Page 8, delete lines 21 through 25.
 Page 8, line 26, delete "(g)" and insert **"(f)"**.
 Renumber all SECTIONS consecutively.
 (Reference is to SB 323 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: Yeas 6, Nays 0.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 310, has had the

same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 8, after "a" insert **"course or"**.
 Page 1, line 17, delete "subject area." and insert **"course without taking the course."**.
 Page 2, line 5, after "a" insert **"course or"**.
 Page 2, line 7, after "a" insert **"course or"**.
 Page 2, line 10, after "more" insert **"courses or"**.
 (Reference is to SB 310 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: Yeas 6, Nays 0.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 60, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 7, line 23, delete "and".
 Page 7, line 26, delete "parent." and insert **"parent; and (3) shall include the student in the school corporation's ADM."**.
 Page 8, line 33, delete "13(b)" and insert **"14(b)"**.
 Page 9, line 38, delete "The" and insert **"Except as provided in section 12 of this chapter, the"**.
 Page 10, between lines 28 and 29, begin a new paragraph and insert:
"Sec. 12. (a) This section applies to a student who, at the time a transfer is granted, is enrolled in either an accredited or a nonaccredited nonpublic school.
(b) The school that enrolls a student to whom this section applies shall include the student in the school's ADM.".
 Page 10, line 29, delete "12." and insert **"13."**.
 Page 10, line 29, delete "13(b)" and insert **"14(b)"**.
 Page 10, line 36, delete "13." and insert **"14."**.
 Page 10, line 42, delete "12" and insert **"13"**.
 Page 11, line 4, delete "14." and insert **"15."**.
 Page 11, line 7, delete "15." and insert **"16."**.
 Page 11, line 11, delete "16." and insert **"17."**.
 Page 11, line 13, delete "17." and insert **"18."**.
 (Reference is to SB 60 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: Yeas 7, Nays 0.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Elections and Civic Affairs, to which was referred Senate Joint Resolution 2, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.
 Committee Vote: Yeas 7, Nays 0.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 55, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Appropriations.
Committee Vote: Yeas 9, Nays 0.

HARRISON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 340, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Appropriations.
Committee Vote: Yeas 9, Nays 0.

HARRISON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 56, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Appropriations.
Committee Vote: Yeas 9, Nays 0.

HARRISON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 230, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Appropriations.
Committee Vote: Yeas 4, Nays 3.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 321, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 7, Nays 2.

HARRISON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 258, has had the same under

consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 11, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 78, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 7, Nays 5.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 297, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 8, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Senate Bill 379, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

FORD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Senate Bill 205, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

FORD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill 269, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 8, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill 154, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 2.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 169, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 331, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 355, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 346, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Resolution 3, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 11, Nays 0.

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 132, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-7-15-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The general assembly finds that the following offices in Indiana provide public assistance within the scope of NVRA:

(1) Each county office of family and children established under IC 12-19-1 that administers:

(A) the Aid to Families with Dependent Children program (AFDC) under IC 12-14; or

(B) the Medicaid program under IC 12-15.

(2) Each office of the division of family ~~and children resources~~ that administers the food stamp program under federal law.

(3) Each office of the state department of health that administers the Special Supplemental Nutrition Program for the Women, Infants and Children Program (WIC) under IC 16-35-1.5.

SECTION 2. IC 3-10-8-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. Whenever the election division receives a notice under section 4 of this chapter, the election division shall notify the following offices and agencies that a special election will be conducted within all or part of Indiana:

(1) Each agency serving persons with disabilities and designated as a voter registration site under IC 3-7-16.

(2) Armed forces recruitment offices in accordance with procedures established under IC 3-7-17.

(3) Each agency designated as a voter registration site and subject to IC 3-7-18.

(4) The alcohol and tobacco commission for purposes of enforcing IC 7.1-5-10-1.

(5) The bureau of motor vehicles for voter registration purposes under IC 9-24-2.5.

(6) The adjutant general for purposes of enforcing IC 10-16-7-17.

(7) The division of family ~~and children resources~~ for voter registration purposes under IC 12-14-1.5, IC 12-14-25, and IC 12-15-1.5.

(8) The state department of health for voter registration purposes under IC 16-35-1.6.

(9) The Federal Voting Assistance Program of the United States Department of Defense, for notification of absent uniformed services voters and overseas voters.

SECTION 3. IC 4-1-8-1, AS AMENDED BY P.L.246-2005, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) No individual may be compelled by any state agency, board, commission, department, bureau, or other entity of state government (referred to as "state agency" in this chapter) to provide the individual's Social Security number to the state agency against the individual's will, absent federal

requirements to the contrary. However, the provisions of this chapter do not apply to the following:

- (1) Department of state revenue.
- (2) Department of workforce development.
- (3) The programs administered by:
 - (A) the division of family ~~and children~~; **resources**;
 - (B) the division of mental health and addiction;
 - (C) the division of disability, aging, and rehabilitative services; and
 - (D) the office of Medicaid policy and planning;
- of the office of the secretary of family and social services.
- (4) Auditor of state.
- (5) State personnel department.
- (6) Secretary of state, with respect to the registration of broker-dealers, agents, and investment advisors.
- (7) The legislative ethics commission, with respect to the registration of lobbyists.
- (8) Indiana department of administration, with respect to bidders on contracts.
- (9) Indiana department of transportation, with respect to bidders on contracts.
- ~~(10) Health professions bureau;~~
- ~~(11) (10) Indiana professional licensing agency.~~
- ~~(12) (11) Department of insurance, with respect to licensing of insurance producers.~~
- (12) The department of child services.**
- ~~(13) (13) A pension fund administered by the board of trustees of the public employees' retirement fund.~~
- ~~(14) (14) The Indiana state teachers' retirement fund.~~
- ~~(15) (15) The state police benefit system.~~
- ~~(16) (16) The alcohol and tobacco commission.~~
- (b) The bureau of motor vehicles may, notwithstanding this chapter, require the following:
 - (1) That an individual include the individual's Social Security number in an application for an official certificate of title for any vehicle required to be titled under IC 9-17.
 - (2) That an individual include the individual's Social Security number on an application for registration.
 - (3) That a corporation, limited liability company, firm, partnership, or other business entity include its federal tax identification number on an application for registration.
- (c) The Indiana department of administration, the Indiana department of transportation, ~~the health professions bureau~~, and the Indiana professional licensing agency may require an employer to provide its federal employer identification number.
- (d) The department of correction may require a committed offender to provide the offender's Social Security number for purposes of matching data with the Social Security Administration to determine benefit eligibility.
- (e) The Indiana gaming commission may, notwithstanding this chapter, require the following:
 - (1) That an individual include the individual's Social Security number in any application for a riverboat owner's license, supplier's license, or occupational license.
 - (2) That a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity include its federal tax identification number on an

application for a riverboat owner's license or supplier's license.

(f) Notwithstanding this chapter, the department of education established by IC 20-19-3-1 may require an individual who applies to the department for a license or an endorsement to provide the individual's Social Security number. The Social Security number may be used by the department only for conducting a background investigation, if the department is authorized by statute to conduct a background investigation of an individual for issuance of the license or endorsement.

SECTION 4. IC 4-12-1-14.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14.2. Notwithstanding any other law, all oil overcharge funds received from the federal government are annually appropriated to the division of family ~~and children~~ **resources** for the division's use in carrying out the home energy assistance program. The amount of this annual appropriation for a state fiscal year is equal to:

- (1) the total amount necessary to carry out the program during that fiscal year; minus
- (2) the amount of federal low income energy assistance funds available for the program during that state fiscal year.

SECTION 5. IC 4-15-2-3.8, AS AMENDED BY P.L.218-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.8. "State service" means public service by:

- (1) employees and officers, including the incumbent directors, of the county offices of family and children; and
- (2) employees and officers, except members of boards and commissions or individuals hired for or appointed to, after June 30, 1982, positions as appointing authorities, deputies, assistants reporting to appointing authorities, or supervisors of major units within state agencies, irrespective of the title carried by those positions, of the division of disability, aging, and rehabilitative services, Fort Wayne State Developmental Center, Muscatatuck State Developmental Center, division of mental health and addiction, Larue D. Carter Memorial Hospital, Evansville State Psychiatric Treatment Center for Children, Evansville State Hospital, Logansport State Hospital, Madison State Hospital, Richmond State Hospital, state department of health, Indiana School for the Blind and Visually Impaired, Indiana School for the Deaf, Indiana Veterans' Home, Indiana Soldiers' and Sailors' Children's Home, Silvercrest Children's Development Center, department of correction, Westville Correctional Facility, Plainfield Juvenile Correctional Facility, Putnamville Correctional Facility, Indianapolis Juvenile Correctional Facility, Indiana State Prison, Indiana Women's Prison, Pendleton Correctional Facility, Reception and Diagnostic Center, Rockville Correctional Facility, Youth Rehabilitation Facility, Plainfield Correctional Facility, ~~department of fire and building services~~, ~~state emergency management agency~~ **department of homeland security** (excluding a county emergency management organization and any other local emergency management organization created under IC 10-14-3), civil rights commission, criminal justice planning agency, department of workforce development, Indiana historical bureau, Indiana state library, division of family ~~and children~~; **resources**, **department of child services**, Indiana state board of animal health, Federal Surplus Property Warehouse, Indiana education employment relations

board, department of labor, Indiana protection and advocacy services commission, commission on public records, Indiana horse racing commission, and state personnel department."

Page 5, between lines 16 and 17, begin a new paragraph and insert: "SECTION 12. IC 5-2-15-4, AS ADDED BY P.L.192-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. A law enforcement agency that discovers a child less than fourteen (14) years of age at a methamphetamine laboratory shall notify the ~~division of family and children~~ **department of child services**."

Page 8, between lines 31 and 32, begin a new paragraph and insert: "SECTION 14. IC 5-20-1-4, AS AMENDED BY P.L.235-2005, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The authority has all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the power:

- (1) to make or participate in the making of construction loans to sponsors of multiple family residential housing that is federally assisted or assisted by a government sponsored enterprise, such as the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Federal Agricultural Mortgage Corporation, the Federal Home Loan Bank, and other similar entities approved by the authority;
- (2) to make or participate in the making of mortgage loans to sponsors of multiple family residential housing that is federally assisted or assisted by a government sponsored enterprise, such as the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Federal Agricultural Mortgage Corporation, the Federal Home Loan Bank, and other similar entities approved by the authority;
- (3) to purchase or participate in the purchase from mortgage lenders of mortgage loans made to persons of low and moderate income for residential housing;
- (4) to make loans to mortgage lenders for the purpose of furnishing funds to such mortgage lenders to be used for making mortgage loans for persons and families of low and moderate income. However, the obligation to repay loans to mortgage lenders shall be general obligations of the respective mortgage lenders and shall bear such date or dates, shall mature at such time or times, shall be evidenced by such note, bond, or other certificate of indebtedness, shall be subject to prepayment, and shall contain such other provisions consistent with the purposes of this chapter as the authority shall by rule or resolution determine;
- (5) to collect and pay reasonable fees and charges in connection with making, purchasing, and servicing of its loans, notes, bonds, commitments, and other evidences of indebtedness;
- (6) to acquire real property, or any interest in real property, by conveyance, including purchase in lieu of foreclosure, or foreclosure, to own, manage, operate, hold, clear, improve, and rehabilitate such real property and sell, assign, exchange, transfer, convey, lease, mortgage, or otherwise dispose of or encumber such real property where such use of real property is necessary or appropriate to the purposes of the authority;
- (7) to sell, at public or private sale, all or any part of any mortgage or other instrument or document securing a construction loan, a land development loan, a mortgage loan, or

a loan of any type permitted by this chapter;

(8) to procure insurance against any loss in connection with its operations in such amounts and from such insurers as it may deem necessary or desirable;

(9) to consent, subject to the provisions of any contract with noteholders or bondholders which may then exist, whenever it deems it necessary or desirable in the fulfillment of its purposes to the modification of the rate of interest, time of payment of any installment of principal or interest, or any other terms of any mortgage loan, mortgage loan commitment, construction loan, loan to lender, or contract or agreement of any kind to which the authority is a party;

(10) to enter into agreements or other transactions with any federal, state, or local governmental agency for the purpose of providing adequate living quarters for such persons and families in cities and counties where a need has been found for such housing;

(11) to include in any borrowing such amounts as may be deemed necessary by the authority to pay financing charges, interest on the obligations (for a period not exceeding the period of construction and a reasonable time thereafter or if the housing is completed, two (2) years from the date of issue of the obligations), consultant, advisory, and legal fees and such other expenses as are necessary or incident to such borrowing;

(12) to make and publish rules respecting its lending programs and such other rules as are necessary to effectuate the purposes of this chapter;

(13) to provide technical and advisory services to sponsors, builders, and developers of residential housing and to residents and potential residents, including housing selection and purchase procedures, family budgeting, property use and maintenance, household management, and utilization of community resources;

(14) to promote research and development in scientific methods of constructing low cost residential housing of high durability;

(15) to encourage community organizations to participate in residential housing development;

(16) to make, execute, and effectuate any and all agreements or other documents with any governmental agency or any person, corporation, association, partnership, limited liability company, or other organization or entity necessary or convenient to accomplish the purposes of this chapter;

(17) to accept gifts, devises, bequests, grants, loans, appropriations, revenue sharing, other financing and assistance and any other aid from any source whatsoever and to agree to, and to comply with, conditions attached thereto;

(18) to sue and be sued in its own name, plead and be impleaded;

(19) to maintain an office in the city of Indianapolis and at such other place or places as it may determine;

(20) to adopt an official seal and alter the same at pleasure;

(21) to adopt and from time to time amend and repeal bylaws for the regulation of its affairs and the conduct of its business and to prescribe rules and policies in connection with the performance of its functions and duties;

(22) to employ fiscal consultants, engineers, attorneys, real estate counselors, appraisers, and such other consultants and employees as may be required in the judgment of the authority and to fix and pay their compensation from funds available to the authority

therefor;

(23) notwithstanding IC 5-13, but subject to the requirements of any trust agreement entered into by the authority, to invest:

(A) the authority's money, funds, and accounts;

(B) any money, funds, and accounts in the authority's custody; and

(C) proceeds of bonds or notes;

in the manner provided by an investment policy established by resolution of the authority;

(24) to make or participate in the making of construction loans, mortgage loans, or both, to individuals, partnerships, limited liability companies, corporations, and organizations for the construction of residential facilities for the developmentally disabled or for the mentally ill or for the acquisition or renovation, or both, of a facility to make it suitable for use as a new residential facility for the developmentally disabled or for the mentally ill;

(25) to make or participate in the making of construction and mortgage loans to individuals, partnerships, corporations, limited liability companies, and organizations for the construction, rehabilitation, or acquisition of residential facilities for children;

(26) to purchase or participate in the purchase of mortgage loans from:

(A) public utilities (as defined in IC 8-1-2-1); or

(B) municipally owned gas utility systems organized under IC 8-1.5;

if those mortgage loans were made for the purpose of insulating and otherwise weatherizing single family residences in order to conserve energy used to heat and cool those residences;

(27) to provide financial assistance to mutual housing associations (IC 5-20-3) in the form of grants, loans, or a combination of grants and loans for the development of housing for low and moderate income families;

(28) to service mortgage loans made or acquired by the authority and to impose and collect reasonable fees and charges in connection with such servicing; and

(29) subject to the authority's investment policy, to enter into swap agreements (as defined in IC 8-9.5-9-4) in accordance with IC 8-9.5-9-5 and IC 8-9.5-9-7.

The omission of a power from the list in this subsection does not imply that the authority lacks that power. The authority may exercise any power that is not listed in this subsection but is consistent with the powers listed in this subsection to the extent that the power is not expressly denied by the Constitution of the State of Indiana or by another statute.

(b) The authority shall structure and administer any program conducted under subsection (a)(3) or (a)(4) in order to assure that no mortgage loan shall knowingly be made to a person whose adjusted family income shall exceed one hundred twenty-five percent (125%) of the median income for the geographic area within which the person resides and at least forty percent (40%) of the mortgage loans so financed shall be for persons whose adjusted family income shall be below eighty percent (80%) of the median income for such area.

(c) In addition to the powers set forth in subsection (a), the authority may, with the proceeds of bonds and notes sold to retirement plans covered by IC 5-10-1.7, structure and administer a program of purchasing or participating in the purchasing from

mortgage lenders of mortgage loans made to qualified members of retirement plans and other individuals. The authority shall structure and administer any program conducted under this subsection to assure that:

(1) each mortgage loan is made as a first mortgage loan for real property:

(A) that is a single family dwelling, including a condominium or townhouse, located in Indiana;

(B) for a purchase price of not more than ninety-five thousand dollars (\$95,000);

(C) to be used as the purchaser's principal residence; and

(D) for which the purchaser has made a down payment in an amount determined by the authority;

(2) no mortgage loan exceeds seventy-five thousand dollars (\$75,000);

(3) any bonds or notes issued which are backed by mortgage loans purchased by the authority under this subsection shall be offered for sale to the retirement plans covered by IC 5-10-1.7; and

(4) qualified members of a retirement plan shall be given preference with respect to the mortgage loans that in the aggregate do not exceed the amount invested by their retirement plan in bonds and notes issued by the authority that are backed by mortgage loans purchased by the authority under this subsection.

(d) As used in this section, "a qualified member of a retirement plan" means an active or retired member:

(1) of a retirement plan covered by IC 5-10-1.7 that has invested in bonds and notes issued by the authority that are backed by mortgage loans purchased by the authority under subsection (c); and

(2) who for a minimum of two (2) years preceding the member's application for a mortgage loan has:

(A) been a full-time state employee, teacher, judge, police officer, or firefighter;

(B) been a full-time employee of a political subdivision participating in the public employees' retirement fund;

(C) been receiving retirement benefits from the retirement plan; or

(D) a combination of employment and receipt of retirement benefits equaling at least two (2) years.

(e) Beginning with the 1991 program year, the authority, when directed by the governor, shall administer:

(1) the rental rehabilitation program established by the Housing Assistance Act of 1937 (42 U.S.C. 1437o); and

(2) federal funds allocated to the rental rehabilitation program under the Housing Assistance Act of 1937 (42 U.S.C. 1437o).

(f) The authority may contract with the division of family ~~and children~~ **resources** and the department of commerce so that the authority may administer the program and funds described under subsection (e) for program years before 1991.

(g) Beginning May 15, 2005, the authority shall identify, promote, assist, and fund home ownership education programs conducted throughout Indiana by nonprofit counseling agencies certified by the authority using funds appropriated under section 27 of this chapter. The attorney general and the entities listed in IC 4-6-12-4(a)(1) through IC 4-6-12-4(a)(10) shall cooperate with the authority in

implementing this subsection.

SECTION 15. IC 5-20-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) The housing trust fund advisory committee is established.

(b) The committee consists of sixteen (16) members to be appointed by the governor as follows:

- (1) One (1) member of the division of mental health and addiction.
- (2) One (1) member of the division of family ~~and children resources~~.
- (3) One (1) member of the division of disability, aging, and rehabilitative services.
- (4) One (1) member of the ~~department of commerce; office of the lieutenant governor~~.
- (5) One (1) member to represent residential real estate developers.
- (6) One (1) member to represent construction trades.
- (7) One (1) member to represent banks and other lending institutions.
- (8) One (1) member to represent the interests of persons with disabilities.
- (9) One (1) member to represent service providers.
- (10) Two (2) members to represent neighborhood groups.
- (11) One (1) member to represent low income families.
- (12) One (1) member to represent nonprofit community based organizations and community development corporations.
- (13) One (1) member to represent real estate brokers or salespersons.
- (14) One (1) member to represent the Indiana Apartment Owner's Association.
- (15) One (1) member to represent the manufactured housing industry.

At least three (3) members of the committee shall be from a city with a population of less than thirty-five thousand (35,000), a town, or a rural area.

(c) Members of the advisory committee shall serve a term of three (3) years. However, the governor may remove for cause an appointed member of the advisory committee and fill vacancies of appointed members on the advisory committee.

(d) The advisory committee shall make recommendations to the housing ~~finance and community development~~ authority regarding:

- (1) the development of policies and procedures under section 14 of this chapter; and
- (2) long term sources to capitalize the housing trust fund, including the following:
 - (A) Revenue from development ordinances, fees, or taxes.
 - (B) Market based or private revenue.
 - (C) Revenue generated from government programs, foundations, private individuals, or corporations.

(e) The advisory committee shall prepare and present an annual report that:

- (1) describes disbursements under the housing trust fund; and
- (2) makes recommendations to the board of the Indiana housing ~~finance and community development~~ authority regarding long term sources to capitalize the housing trust fund."

Page 8, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 17. IC 5-22-17-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) As used in this section, "division" refers to the division of family ~~and children resources~~ established by IC 12-13-1-1.

(b) As used in this section, "EBT program" refers to an electronic benefits transfer program.

(c) Notwithstanding section 3 of this chapter, the division may enter into a contract for supplies and services to implement an EBT program for an initial period not to exceed five (5) years. The division may renew the contract for any number of successive periods not to exceed two (2) years each.

SECTION 18. IC 6-1.1-12-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) Except as provided in section 17.8 of this chapter, a person who desires to claim the deduction provided in section 11 of this chapter must file an application, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home not assessed as real property, or manufactured home not assessed as real property is located. With respect to real property, the application must be filed during the twelve (12) months before May 11 of each year for which the individual wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the application must be filed during the twelve (12) months before March 2 of each year for which the individual wishes to obtain the deduction. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing.

(b) Proof of blindness may be supported by:

- (1) the records of a county office of family and children, the division of family ~~and children resources~~, or the division of disability, aging, and rehabilitative services; or
- (2) the written statement of a physician who is licensed by this state and skilled in the diseases of the eye or of a licensed optometrist.

(c) The application required by this section must contain the record number and page where the contract or memorandum of the contract is recorded if the individual is buying the real property, mobile home, or manufactured home on a contract that provides that he is to pay property taxes on the real property, mobile home, or manufactured home.

SECTION 19. IC 6-3.1-21-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The division of family ~~and children resources~~ shall apply the refundable portion of the credits provided under this chapter as expenditures toward Indiana's maintenance of effort under the federal Temporary Assistance to Needy Families (TANF) program (45 CFR 265).

(b) The department of state revenue shall collect and provide the data requested by the division of family ~~and children resources~~ that is necessary to comply with this section.

SECTION 20. IC 6-4.1-12-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) The department, the department's counsel, agents, clerks, stenographers, other employees, or former employees, or any other person who gains access to the inheritance tax files shall not divulge any information disclosed by the documents required to be filed under this article. However, disclosure may be made in the following cases:

- (1) To comply with an order of a court.
- (2) To the members and employees of the department.
- (3) To the members and employees of county offices and courts to the extent they need the information for inheritance tax purposes. IC 5-14-3-6.5 does not apply to this subdivision.
- (4) To the governor.
- (5) To the attorney general.
- (6) To any other legal representative of the state in any action pertaining to the tax due under this article.
- (7) To any authorized officer of the United States, when the recipient agrees that the information is confidential and will be used solely for official purposes.
- (8) Upon the receipt of a certified request, to any designated officer of a tax department of any other state, district, territory, or possession of the United States, when the state, district, territory, or possession permits the exchange of like information with the taxing officials of Indiana and when the recipient agrees that the information is confidential and will be used solely for tax collection purposes.
- (9) Upon receipt of a written request, to the director of the **department of child services or to the director of the** division of family ~~and children resources~~ and to any county director of family and children, when the recipient agrees that the information is confidential and will be used only in connection with their official duties.
- (10) To the attorney listed on the inheritance tax return under IC 6-4.1-4-1 or IC 6-4.1-4-7.
- (11) To a devisee, an heir, a successor in interest, or a surviving joint tenant of the decedent for whom an inheritance tax return was filed or, upon the receipt of a written request, to an agent or attorney of a devisee, an heir, a successor in interest, or a surviving joint tenant of the decedent.

(b) Any person who knowingly violates this section:

- (1) commits a Class C misdemeanor; and
- (2) shall be immediately dismissed from the person's office or employment, if the person is an officer or employee of the state.

SECTION 21. IC 6-8.1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) This subsection does not apply to the disclosure of information concerning a conviction on a tax evasion charge. Unless in accordance with a judicial order or as otherwise provided in this chapter, the department, its employees, former employees, counsel, agents, or any other person may not divulge the amount of tax paid by any taxpayer, terms of a settlement agreement executed between a taxpayer and the department, investigation records, investigation reports, or any other information disclosed by the reports filed under the provisions of the law relating to any of the listed taxes, including required information derived from a federal return, except to:

- (1) members and employees of the department;
- (2) the governor;
- (3) the attorney general or any other legal representative of the state in any action in respect to the amount of tax due under the provisions of the law relating to any of the listed taxes; or
- (4) any authorized officers of the United States;

when it is agreed that the information is to be confidential and to be used solely for official purposes.

(b) The information described in subsection (a) may be revealed

upon the receipt of a certified request of any designated officer of the state tax department of any other state, district, territory, or possession of the United States when:

- (1) the state, district, territory, or possession permits the exchange of like information with the taxing officials of the state; and
- (2) it is agreed that the information is to be confidential and to be used solely for tax collection purposes.

(c) The information described in subsection (a) relating to a person on public welfare or a person who has made application for public welfare may be revealed to the director of the division of family ~~and children resources~~, and to any county director of family and children located in Indiana, upon receipt of a written request from either director for the information. The information shall be treated as confidential by the directors. In addition, the information described in subsection (a) relating to a person who has been designated as an absent parent by the state Title IV-D agency shall be made available to the state Title IV-D agency upon request. The information shall be subject to the information safeguarding provisions of the state and federal Title IV-D programs.

(d) The name, address, Social Security number, and place of employment relating to any individual who is delinquent in paying educational loans owed to an institution of higher education may be revealed to that institution if it provides proof to the department that the individual is delinquent in paying for educational loans. This information shall be provided free of charge to approved institutions of higher learning (as defined by IC 20-12-21-3(2)). The department shall establish fees that all other institutions must pay to the department to obtain information under this subsection. However, these fees may not exceed the department's administrative costs in providing the information to the institution.

(e) The information described in subsection (a) relating to reports submitted under IC 6-6-1.1-502 concerning the number of gallons of gasoline sold by a distributor, and IC 6-6-2.5 concerning the number of gallons of special fuel sold by a supplier and the number of gallons of special fuel exported by a licensed exporter or imported by a licensed transporter may be released by the commissioner upon receipt of a written request for the information.

(f) The information described in subsection (a) may be revealed upon the receipt of a written request from the administrative head of a state agency of Indiana when:

- (1) the state agency shows an official need for the information; and
- (2) the administrative head of the state agency agrees that any information released will be kept confidential and will be used solely for official purposes.

(g) The name and address of retail merchants, including township, as specified in IC 6-2.5-8-1(h) may be released solely for tax collection purposes to township assessors.

(h) The department shall notify the appropriate innkeepers' tax board, bureau, or commission that a taxpayer is delinquent in remitting innkeepers' taxes under IC 6-9.

(i) All information relating to the delinquency or evasion of the motor vehicle excise tax may be disclosed to the bureau of motor vehicles in Indiana and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.

(j) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable to the bureau of motor vehicles in Indiana may be disclosed to the bureau and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

(k) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable under the International Registration Plan may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

(l) This section does not apply to:

- (1) the beer excise tax (IC 7.1-4-2);
- (2) the liquor excise tax (IC 7.1-4-3);
- (3) the wine excise tax (IC 7.1-4-4);
- (4) the hard cider excise tax (IC 7.1-4-4.5);
- (5) the malt excise tax (IC 7.1-4-5);
- (6) the motor vehicle excise tax (IC 6-6-5);
- (7) the commercial vehicle excise tax (IC 6-6-5.5); and
- (8) the fees under IC 13-23.

(m) The name and business address of retail merchants within each county that sell tobacco products may be released to the division of mental health and addiction and the alcohol and tobacco commission solely for the purpose of the list prepared under IC 6-2.5-6-14.

SECTION 22. IC 6-8.1-9.5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) Notwithstanding IC 6-8.1-7 or any other provision of law prohibiting disclosure of a taxpayer's records or information, all information exchanged among the department, the claimant agency, and the debtor necessary to accomplish the purpose of this chapter is lawful.

(b) Whenever the child support bureau of the ~~division of family and children~~ **department of child services** seeks to enforce a child support obligation through a setoff against a debtor's tax refund, the department shall make the following information available to that agency and to any other state's Title IV-D agency that is enforcing the child support order against the debtor:

- (1) The debtor's Social Security account number (or numbers, if the debtor has more than one (1) number).
- (2) The debtor's home address.

SECTION 23. IC 8-23-17-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. As used in this chapter, "gross monthly income" means the average of such income during the twelve (12) month period immediately preceding displacement and includes income from all sources whether or not such income is taxable under any state or federal law, and also includes any public assistance received under the following:

- AFDC assistance.
- AFDC burials.
- AFDC IMPACT/J.O.B.S.
- AFDC-UP assistance.
- ARCH.
- Blind relief.
- Child care.
- Child welfare adoption assistance.
- Child welfare adoption opportunities.
- Child welfare assistance.
- Child welfare child care improvement.

- Child welfare child abuse.
- Child welfare child abuse and neglect prevention.
- Child welfare children's victim advocacy program.
- Child welfare foster care assistance.
- Child welfare independent living.
- Child welfare medical assistance to wards.
- Child welfare program review action group (PRAG).
- Child welfare special needs adoption.
- Food Stamp administration.
- Health care for indigent (HIC).
- ICES.
- IMPACT (food stamps).
- Title IV-D (ICETS).
- Title IV-D child support administration.
- Title IV-D child support enforcement (parent locator).
- Medicaid assistance.
- Medical services for inmates and patients (590).
- Room and board assistance (RBA).
- Refugee social service.
- Refugee resettlement.
- Repatriated citizens.
- SSI burials and disabled examinations.
- Title XIX certification.
- Any other law of this state administered by the division of family ~~and children~~ **resources or the department of child services.**

SECTION 24. IC 8-23-17-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. (a) All amounts paid to displaced persons under this chapter are exempt from taxation under IC 6-3.

(b) A payment received under this chapter is not considered as income for the purpose of determining the eligibility or extent of eligibility of any person for public assistance under the following:

- AFDC assistance.
- AFDC burials.
- AFDC IMPACT/J.O.B.S.
- AFDC-UP assistance.
- ARCH.
- Blind relief.
- Child care.
- Child welfare adoption assistance.
- Child welfare adoption opportunities.
- Child welfare assistance.
- Child welfare child care improvement.
- Child welfare child abuse.
- Child welfare child abuse and neglect prevention.
- Child welfare children's victim advocacy program.
- Child welfare foster care assistance.
- Child welfare independent living.
- Child welfare medical assistance to wards.
- Child welfare program review action group (PRAG).
- Child welfare special needs adoption.
- Food Stamp administration.
- Health care for indigent (HIC).
- ICES.
- IMPACT (food stamps).
- Title IV-D (ICETS).
- Title IV-D child support administration.

Title IV-D child support enforcement (parent locator).
Medicaid assistance.

Medical services for inmates and patients (590).

Room and board assistance (RBA).

Refugee social service.

Refugee resettlement.

Repatriated citizens.

SSI burials and disabled examinations.

Title XIX certification.

Any other Indiana law administered by the division of family and children: **resources or the department of child services.**"

Page 13, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 31. IC 10-13-3-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 30. (a) Except as provided in subsection (c), on request for release or inspection of a limited criminal history, law enforcement agencies may, if the agency has complied with the reporting requirements in section 24 of this chapter, and the department shall do the following:

(1) Require a form, provided by law enforcement agencies and the department, to be completed. The form shall be maintained for two (2) years and shall be available to the record subject upon request.

(2) Collect a three dollar (\$3) fee to defray the cost of processing a request for inspection.

(3) Collect a seven dollar (\$7) fee to defray the cost of processing a request for release. However, law enforcement agencies and the department may not charge the fee for requests received from the parent locator service of the child support bureau of the ~~division of family and children~~: **department of child services.**

(b) Law enforcement agencies and the department shall edit information so that the only information released or inspected is information that:

(1) has been requested; and

(2) is limited criminal history information.

(c) The fee required under subsection (a) shall be waived if the request relates to the sex and violent offender directory under IC 5-2-6 or concerns a person required to register as a sex and violent offender under IC 5-2-12."

Page 14, line 9, strike "a county office of family and children" and insert "**the division of family resources**".

Page 14, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 33. IC 11-13-1-8, AS AMENDED BY P.L.1-2005, SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) As used in this section, "board" refers to the board of directors of the judicial conference of Indiana established by IC 33-38-9-3.

(b) The board shall adopt rules consistent with this chapter, prescribing minimum standards concerning:

(1) educational and occupational qualifications for employment as a probation officer;

(2) compensation of probation officers;

(3) protection of probation records and disclosure of information contained in those records; and

(4) presentence investigation reports.

(c) The conference shall prepare a written examination to be used in establishing lists of persons eligible for appointment as probation officers. The conference shall prescribe the qualifications for entrance to the examination and establish a minimum passing score and rules for the administration of the examination after obtaining recommendations on these matters from the probation standards and practices advisory committee. The examination must be offered at least once every other month.

(d) The conference shall, by its rules, establish an effective date for the minimum standards and written examination for probation officers.

(e) The conference shall provide probation departments with training and technical assistance for:

(1) the implementation and management of probation case classification; and

(2) the development and use of workload information.

The staff of the Indiana judicial center may include a probation case management coordinator and probation case management assistant.

(f) The conference shall, in cooperation with the ~~division of family and children~~ **department of child services** and the department of education, provide probation departments with training and technical assistance relating to special education services and programs that may be available for delinquent children or children in need of services. The subjects addressed by the training and technical assistance must include the following:

(1) Eligibility standards.

(2) Testing requirements and procedures.

(3) Procedures and requirements for placement in programs provided by school corporations or special education cooperatives under IC 20-35-5.

(4) Procedures and requirements for placement in residential special education institutions or facilities under IC 20-35-6-2 and 511 IAC 7-27-12.

(5) Development and implementation of individual education programs for eligible children in:

(A) accordance with applicable requirements of state and federal laws and rules; and

(B) in coordination with:

(i) individual case plans; and

(ii) informal adjustment programs or dispositional decrees entered by courts having juvenile jurisdiction under IC 31-34 and IC 31-37.

(6) Sources of federal, state, and local funding that is or may be available to support special education programs for children for whom proceedings have been initiated under IC 31-34 and IC 31-37.

Training for probation departments may be provided jointly with training provided to child welfare caseworkers relating to the same subject matter.

(g) The conference shall, in cooperation with the division of mental health and addiction (IC 12-21) and the division of disability, aging, and rehabilitative services (IC 12-9-1), provide probation departments with training and technical assistance concerning mental illness, addictive disorders, mental retardation, and developmental disabilities.

(h) The conference shall make recommendations to courts and probation departments concerning:

- (1) selection, training, distribution, and removal of probation officers;
- (2) methods and procedure for the administration of probation, including investigation, supervision, workloads, record keeping, and reporting; and
- (3) use of citizen volunteers and public and private agencies.

(i) The conference may delegate any of the functions described in this section to the advisory committee or the Indiana judicial center."

Page 18, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 44. IC 12-7-2-46 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 46. "County director" refers to a director of a county office or a director of a district office of the division of family ~~and children~~ **resources or the department of child services**."

Page 25, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 63. IC 12-7-2-191 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 191. "Title IV-A Agency", for purposes of IC 12-17, refers to the division of family ~~and children~~ **resources**."

Page 26, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 65. IC 12-8-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) The secretary and the commissioner of the state department of health shall cooperate to coordinate family and social services programs with related programs administered by the state department of health.

(b) The secretary, in cooperation with the commissioner of the state department of health, is accountable for the following:

- (1) Resolving administrative, jurisdictional, or policy conflicts between a division and the state department of health.
- (2) Formulating overall policy for family, health, and social services in Indiana.
- (3) Coordinating activities between the programs of the division of family ~~and children~~ **resources** and the maternal and child health programs of the state department of health.
- (4) Coordinating activities concerning long term care between the division of disability, aging, and rehabilitative services and the state department of health.
- (5) Developing and implementing a statewide family, health, and social services plan that includes a set of goals and priorities.

SECTION 66. IC 12-8-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. Unless otherwise provided by a statute, this chapter applies to the following:

- (1) The family and social services committee established by IC 12-8-3-2.
- (2) The following advisory councils:
 - (A) The division of disability, aging, and rehabilitative services advisory council.
 - (B) The division of family ~~and children~~ **resources** advisory council.
 - (C) The division of mental health and addiction advisory council.
- (3) A body:
 - (A) established by statute for a division; and
 - (B) whose enabling statute makes this chapter applicable to the

body.

SECTION 67. IC 12-8-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. The office, ~~and the~~ division of family ~~and children~~ **resources, and the department of child services** shall develop a written memorandum of understanding that provides the following:

- (1) Program responsibilities for the provision of care and treatment for recipients served by the division.
- (2) Responsibilities to educate and inform vendors of the proper billing procedures.
- (3) Responsibilities in administering the state plan.
- (4) Responsibilities for Medicaid fiscal and quality accountability and audits for services administered by the division.
- (5) That the division shall recommend options and services to be reimbursed under the Medicaid state plan.
- (6) That the office and the division agree that, within the limits of 42 U.S.C. 1396 et seq., recipients served by the division cannot be excluded from services on the basis of diagnosis unless these services are otherwise provided and reimbursed under the state plan.
- (7) That the office shall seek review and comment from the division before the adoption of rules or standards that may affect the service, programs, or providers of medical assistance services for recipients served by the division.
- (8) That the division shall develop rate setting policies for medical assistance services administered by the division.
- (9) Policies to facilitate communication between the office and the division.
- (10) Any additional provisions that enhance communication between the office and the division or facilitate more efficient or effective delivery of services.

SECTION 68. IC 12-8-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. This chapter applies only to the indicated money of the following state agencies to the extent that the money is used by the agency to obtain services from grantee agencies to carry out the program functions of the agency:

- (1) Money appropriated or allocated to a state agency from money received by the state under the Social Services Block Grant Act (42 U.S.C. 1397 et seq.).
- (2) The division of disability, aging, and rehabilitative services, except this chapter does not apply to money expended under the following:
 - (A) The following statutes, unless application of this chapter is required by another subdivision of this section:
 - (i) IC 12-10-6.
 - (ii) IC 12-10-12.
 - (B) Epilepsy services.
- (3) The division of family ~~and children~~ **resources**, for money expended under the following:
 - (A) The following statutes:
 - (i) IC 12-14-10.
 - (ii) IC 12-14-11.
 - (iii) IC 12-14-12.
 - (B) The following programs:
 - (i) The child development associate scholarship program.

- (ii) The dependent care program.
- (iii) Migrant day care.
- (iv) The youth services bureau.
- (v) The project safe program.
- (vi) The commodities program.
- (vii) The migrant nutrition program.
- (viii) Any emergency shelter program.
- (ix) The energy weatherization program.
- (x) Programs for individuals with developmental disabilities.
- (4) The state department of health, for money expended under the following statutes:
 - (A) IC 16-19-10.
 - (B) IC 16-38-3.
- (5) The group.
- (6) All state agencies, for any other money expended for the purchase of services if all the following apply:
 - (A) The purchases are made under a contract between the state agency and the office of the secretary.
 - (B) The contract includes a requirement that the office of the secretary perform the duties and exercise the powers described in this chapter.
 - (C) The contract is approved by the budget agency.
- (7) The division of mental health and addiction.

SECTION 69. IC 12-8-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. Services to support families of persons with disabilities and persons with disabilities may include services available within the division of family ~~and children~~ **resources**, the division of disability, aging, and rehabilitative services, the division of mental health and addiction, the state department of health, the department of education, the department of workforce development, and the department of correction, including case management and service coordination.

SECTION 70. IC 12-10-11-2, AS AMENDED BY P.L.137-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The board consists of the following fifteen (15) members:

- (1) The director of the division of family ~~and children resources~~ or the director's designee.
- (2) The chairman of the Indiana state commission on aging or the chairman's designee.
- (3) Three (3) citizens at least sixty (60) years of age, nominated by two (2) or more organizations that:
 - (A) represent senior citizens; and
 - (B) have statewide membership.
- (4) One (1) citizen less than sixty (60) years of age nominated by one (1) or more organizations that:
 - (A) represent individuals with disabilities; and
 - (B) have statewide membership.
- (5) One (1) citizen less than sixty (60) years of age nominated by one (1) or more organizations that:
 - (A) represent individuals with mental illness; and
 - (B) have statewide membership.
- (6) One (1) provider who provides services under IC 12-10-10.
- (7) One (1) licensed physician, nurse, or nurse practitioner who specializes either in the field of gerontology or in the field of disabilities.
- (8) Two (2) home care services advocates or policy specialists

nominated by two (2) or more:

- (A) organizations;
- (B) associations; or
- (C) nongovernmental agencies;

that advocate on behalf of home care consumers, including an organization listed in subdivision (3) that represents senior citizens or persons with disabilities.

- (9) Two (2) members of the senate, who may not be members of the same political party, appointed by the president pro tempore of the senate with the advice of the minority leader of the senate.
- (10) Two (2) members of the house of representatives, who may not be members of the same political party, appointed by the speaker of the house of representatives with the advice of the minority leader of the house of representatives.

The members of the board listed in subdivisions (9) and (10) are nonvoting members.

(b) The members of the board designated by subsection (a)(3) through (a)(8) shall be appointed by the governor for terms of two (2) years. In case of a vacancy, the governor shall appoint an individual to serve for the remainder of the unexpired term.

(c) The division shall establish notice and selection procedures to notify the public of the board's nomination process described in this chapter. Information must be distributed through:

- (1) the area agencies on aging; and
- (2) all organizations, associations, and nongovernmental agencies that work with the division on home care issues and programs."

Page 27, between lines 5 and 6, begin a new paragraph and insert: "SECTION 72. IC 12-11-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. The comprehensive plan required by section 5(3) of this chapter must include an interagency cooperation agreement among the following:

- (1) The department of education.
- (2) The division of mental health and addiction.
- (3) The division of family ~~and children~~ **resources**.
- (4) The division.
- (5) **The department of child services.**
- (6) Any other appropriate agencies.

SECTION 73. IC 12-11-7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The following shall cooperate with the commission and each other in developing and updating the comprehensive plan required by section 5(3) of this chapter and in developing and complying with the interagency cooperation agreement required by section 6 of this chapter:

- (1) The department of education.
- (2) The division of mental health and addiction.
- (3) The division of family ~~and children~~ **resources**.
- (4) The division.
- (5) **The department of child services.**
- (6) Any other appropriate agencies.

SECTION 74. IC 12-13-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, "council" refers to the division of family ~~and children~~ **resources** advisory council established by this chapter.

SECTION 75. IC 12-13-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The division of family ~~and children~~ **resources** advisory council is established."

Page 28, between lines 26 and 27, begin a new paragraph and

insert:

"SECTION 77. IC 12-13-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The commission consists of nineteen (19) members appointed as follows:

- (1) Two (2) members of the senate, who are not members of the same political party, appointed by the president pro tempore of the senate with the advice of the minority leader of the senate.
- (2) Two (2) members of the house of representatives, who are not members of the same political party, appointed by the speaker of the house of representatives with the advice of the minority leader of the house of representatives.
- (3) The director of the division of family ~~and children resources~~ or the director's designee.
- (4) The director of the division of mental health and addiction or the director's designee.
- (5) The commissioner of the state department of health or the commissioner's designee.
- (6) The superintendent of public instruction or the superintendent's designee.
- (7) The commissioner of the department of correction or the commissioner's designee.
- (8) The director of the civil rights commission or the director's designee.
- (9) The commissioner of the department of administration or the commissioner's designee.
- (10) The director of the department of commerce or the director's designee.
- (11) A minority business person, appointed by the governor.
- (12) Three (3) persons appointed by the president pro tempore of the senate who are not members of the general assembly. Not more than two (2) of the persons appointed under this subdivision may be members of the same political party.
- (13) Three (3) persons appointed by the speaker of the house of representatives who are not members of the general assembly. Not more than two (2) of the persons appointed under this subdivision may be members of the same political party.

SECTION 78. IC 12-13-12-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The division of family ~~and children resources~~ shall provide staff and administrative support to the commission.

SECTION 79. IC 12-13-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The ~~division of family and children department of child services~~ shall prepare a report in an electronic format under IC 5-14-6 for the general assembly regarding the ~~division's department's~~ management of child abuse and neglect cases."

Page 29, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 81. IC 12-14-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The bureau of family resources is established within the division of family ~~and children resources~~.

SECTION 82. IC 12-14-25-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The codirectors of the election division shall notify the division of family ~~and children resources and the department of child services~~ of the following:

- (1) The scheduled date of each primary, general, municipal, and special election.

- (2) The jurisdiction in which the election will be held.

SECTION 83. IC 12-15-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. A county office shall serve as an agent of the division of family ~~and children resources~~.

SECTION 84. IC 12-15-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The division of family ~~and children resources~~ shall supervise the county offices **regarding services provided under this chapter**.

SECTION 85. IC 12-15-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The office and the division of family ~~and children resources~~ shall formulate written protocols that specify the following:

- (1) That the county offices are responsible for all eligibility determinations made under the state Medicaid program.
- (2) That the office is responsible for payment of a claim made under the state Medicaid plan.

(b) The office may enter into any contract to implement the state program.

SECTION 86. IC 12-15-1.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) The codirectors of the election division shall provide the division of family ~~and children resources and the department of child services~~ with a list of the current addresses and telephone numbers of the offices of the circuit court clerk or board of registration in each county. The division shall promptly forward the list and each revision of the list to each county office.

(b) The codirectors shall provide the division of family ~~and children resources and the department of child services~~ with pre-addressed packets for county offices to transmit applications under section 6(1) or 6(2) of this chapter.

SECTION 87. IC 12-15-2-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. An individual:

- (1) who is less than eighteen (18) years of age;
- (2) who is described in 42 U.S.C. 1396a(a)(10)(A)(ii); and
- (3) who is:
 - (A) a child in need of services (as defined in IC 31-34-1);
 - (B) a child placed in the custody of the ~~division of family and children department of child services~~ or a county office under IC 31-35-6-1 (or IC 31-6-5-5 before its repeal); or
 - (C) a child placed under the supervision or in the custody of the ~~division of family and children department of child services~~ or a county office by an order of the court;

is eligible to receive Medicaid.

SECTION 88. IC 12-15-9-0.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 0.6. (a) The office's claim against assets that are not included in the individual's probate estate may be enforced as set out in IC 32-17-13.

(b) Enforcement of a claim against assets that are not included in an individual's probate estate must be commenced not more than nine (9) months after the decedent's death. This limit does not apply to any assets that were not reported to the local office of the division of family ~~and children resources~~.

SECTION 89. IC 12-17-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, "applicant" means either:

- (1) a school corporation; or
- (2) a nonprofit organization that:
 - (A) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code; and
 - (B) has provided extracurricular activities or services to children continuously for at least one (1) year before the date of application for a grant under this chapter;

that applies to the division of family ~~and children resources~~ for a grant from the school age child care fund for the purpose of establishing and operating a school age child care program or for the purpose of maintaining an existing school age child care program."

Page 29, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 91. IC 12-17-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, "agency" means a department, a commission, a council, a board, a bureau, a division, a service, an office, or an administration that is responsible for providing services to infants and toddlers with disabilities and their families, including the following:

- (1) The division of mental health and addiction.
- (2) The state department of health.
- (3) The division of family ~~and children resources~~.
- (4) The division of disability, aging, and rehabilitative services.
- (5) The department of education.

SECTION 92. IC 12-17.2-2-1.5, AS AMENDED BY P.L.1-2005, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.5. (a) The division shall require all child care centers or child care homes to submit a report containing the names and birth dates of all children who are enrolled in the child care center or child care home within three (3) months from the date the child care center or child care home accepts its first child, upon receiving the consent of the child's parent, guardian, or custodian as required under subsection (b). The division shall require all child care centers and child care homes that receive written consent as described under subsection (b) to submit a monthly report of the name and birth date of each additional child who has been enrolled in or withdrawn from the child care center or child care home during the preceding thirty (30) days.

(b) The division shall require all child care centers or child care homes to request whether the child's parent, guardian, or custodian desires the center or home to include the child's name and birth date in the reports described under subsection (a) before enrolling the child in the center or home. No child's name or birth date may be included on the report required under subsection (a) without the signed consent of the child's parent, guardian, or custodian. The consent form must be in the following form:

"I give my permission for _____ (name of day care center or home) to report the name and birth date of my child or children to the division of family ~~and children resources~~ pursuant to IC 12-17.2-2-1.5.

Name of child _____

Birth date _____

Signature of parent, guardian, or custodian _____

Date _____"

(c) The division shall submit a monthly report of the information provided under subsection (a) to the Indiana clearinghouse on missing

children established under IC 10-13-5.

(d) The division shall require that a person who transports children who are in the care of the child care center on a public highway (as defined in IC 9-25-2-4) within or outside Indiana in a vehicle designed and constructed for the accommodation of more than ten (10) passengers must comply with the same requirements set forth in IC 20-27-9-12 for a public elementary or secondary school or a preschool operated by a school corporation."

Page 30, between lines 2 and 3, begin a new paragraph and insert: "SECTION 94. IC 12-17.2-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The division may grant a variance or waiver of a rule governing child care centers, ~~or child care homes. child caring institutions, foster homes, group homes, or child placing agencies.~~ A variance or waiver granted under this section must promote statewide practices and must protect the rights of persons affected by this article.

(b) The division may grant a variance to a rule if an applicant for a license or a licensee under this chapter does the following:

- (1) Submits to the division a written request for the variance in the form and manner specified by the division.
- (2) Documents that compliance with an alternative method of compliance approved by the division will not be adverse to the health, safety, or welfare of a child receiving services from the applicant for the variance, as determined by the division.

(c) A variance granted under subsection (b) must be conditioned upon compliance with the alternative method approved by the division. Noncompliance constitutes the violation of a rule of the division and may be the basis for revoking the variance.

(d) The division may grant a waiver of a rule if an applicant for a license or a licensee under this chapter does the following:

- (1) Submits to the division a written request for the waiver in the form and manner specified by the division.
- (2) Documents that compliance with the rule specified in the application for the waiver will create an undue hardship on the applicant for the waiver, as determined by the division.
- (3) Documents that the applicant for the waiver will be in substantial compliance with the rules adopted by the division after the waiver is granted, as determined by the division.
- (4) Documents that noncompliance with the rule specified in the application for a waiver will not be adverse to the health, safety, or welfare of a child receiving services from the applicant for the waiver, as determined by the division.

(e) Except for a variance or waiver of a rule governing child care homes, ~~or foster homes~~, a variance or waiver of a rule under this section that conflicts with a building rule or fire safety rule adopted by the fire prevention and building safety commission is not effective until the variance or waiver is approved by the fire prevention and building safety commission.

SECTION 95. IC 12-17.2-3.2-2, AS ADDED BY P.L.107-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The committee on child care is established.

(b) The committee consists of the following voting members:

- (1) Two (2) members of the house of representatives appointed by the speaker of the house of representatives. Members appointed under this subdivision may not be members of the same political party.

(2) Two (2) members of the senate appointed by the president pro tempore of the senate. Members appointed under this subdivision may not be members of the same political party.

(3) The director of the division of family ~~and children resources~~ or the director's designee.

(4) The commissioner of the department of workforce development or the commissioner's designee.

(5) One (1) individual who holds a degree in the study of early childhood development.

(6) One (1) administrator of an elementary school.

(7) One (1) individual who operates or administers a Head Start program.

(8) One (1) individual who operates or administers a child care center.

(9) One (1) individual who operates or administers a class I child care home.

(10) One (1) individual who operates or administers a class II child care home.

(11) One (1) individual who operates or administers a child care ministry.

(12) One (1) individual who operates or administers an after school care program.

(13) One (1) individual who operates or administers child care in an employer offered setting.

(14) One (1) individual who is a consumer of child care and who does not operate or administer a child care program.

(15) The state fire marshal or the state fire marshal's designee.

(c) The president pro tempore of the senate shall appoint the members listed in ~~subsections~~ **subsection** (b)(5), (b)(8), (b)(9), (b)(12), and (b)(14). In making the appointments, the president pro tempore of the senate shall attempt to appoint individuals that represent both rural and urban areas. The president pro tempore of the senate shall appoint a member described in subsection (b)(2) as chairperson of the committee in 2006.

(d) The speaker of the house of representatives shall appoint the members listed in subsections (b)(6), (b)(7), (b)(10), (b)(11), and (b)(13). In making the appointments, the speaker of the house of representatives shall attempt to appoint individuals that represent both rural and urban areas. The speaker of the house of representatives shall appoint a member described in subsection (b)(1) as chairperson of the committee in 2005.

SECTION 96. IC 12-17.2-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A license may be issued only if a child care center is in compliance with food, health, safety, and sanitation standards as determined by the division under rules adopted by the division under IC 12-17.2-2-4 or in accordance with a variance or waiver approved by the division under IC 12-17.2-2-10.

(b) A license may be issued only if the child care center is in substantial compliance with the fire and life safety rules as determined by the state fire marshal under rules adopted by the division under IC 12-17.2-2-4 or in accordance with a variance or waiver approved by the division under IC 12-17.2-2-10.

(c) The division may issue a waiver or variance regarding a determination by the division or the state fire marshal under subsections (a) and (b).

(d) At least one (1) adult individual who maintains annual certification in a course of cardiopulmonary resuscitation applicable to all age groups of children cared for by the child care center shall be present at all times when a child is in the care of a child care center.

(e) An individual who:

(1) is employed; or

(2) volunteers;

as a caregiver at a child care center shall maintain current certification in first aid applicable to all age groups of children cared for by the child care center.

(f) Upon request, the county office of family and children shall provide, within forty-eight (48) hours, excluding weekends and holidays, copies of substantiated noncompliances and other substantiated complaints filed with the division of family ~~and children resources~~ concerning a licensed child care center.

SECTION 97. IC 12-17.2-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) An applicant must apply for a child care center license on forms provided by the division.

(b) An applicant must submit the required information as part of the application.

(c) The applicant must submit with the application a statement attesting that the applicant:

(1) has not been convicted of:

(A) a felony;

(B) a misdemeanor relating to the health or safety of children;

(C) a misdemeanor for operating a child care center without a license under section 35 of this chapter; or

(D) a misdemeanor for operating a child care home without a license under IC 12-17.2-5-35; and

(2) has not been charged with:

(A) a felony;

(B) a misdemeanor relating to the health or safety of children;

(C) a misdemeanor for operating a child care center without a license under section 35 of this chapter; or

(D) a misdemeanor for operating a child care home without a license under IC 12-17.2-5-35;

during the pendency of the application.

(d) An applicant must submit the necessary information, forms, or consents for the division to obtain a national criminal history background check on the applicant through the state police department under ~~IC 5-2-5-15~~ **IC 10-13-3-39**.

(e) The applicant must do the following:

(1) Conduct a criminal history check of the applicant's employees and volunteers.

(2) Maintain records of each criminal history check.

SECTION 98. IC 12-17.2-4-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 29. (a) The division shall investigate a report of an unlicensed child care center and report the division's findings to the attorney general and to the ~~county department of public welfare~~ **division's** attorney and the prosecuting attorney in the county where the child care center is located.

(b) The attorney general or the ~~county department of public welfare~~ **division's** attorney may do the following:

(1) Seek the issuance of a search warrant to assist in the investigation.

(2) File an action for injunctive relief to stop the operation of a child care center if there is reasonable cause to believe that:

(A) the child care center is operating without a license required under this article; or

(B) a licensee's noncompliance with this article and the rules adopted under this article creates an imminent danger of serious bodily injury to a child or an imminent danger to the health of a child.

(3) Seek in a civil action a civil penalty not to exceed one hundred dollars (\$100) a day for each day a child care center is operating without a license required under this article.

(c) The division may provide for the removal of children from child care centers described in subsection (b).

(d) An opportunity for an informal meeting with the division shall be available after the injunctive relief is ordered.

(e) The civil penalties collected under this section shall be deposited in the child care fund.

(f) Section 34 of this chapter does not apply to the civil penalties imposed under this section.

SECTION 99. IC 12-17.2-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) An applicant must apply for a child care home license on forms provided by the division.

(b) An applicant must submit the required information as part of the application.

(c) An applicant must submit with the application a statement attesting that the applicant has not been:

(1) convicted of:

(A) a felony;

(B) a misdemeanor relating to the health or safety of children;

(C) a misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or

(D) a misdemeanor for operating a child care home without a license under section 35 of this chapter; and

(2) charged with:

(A) a felony;

(B) a misdemeanor relating to the health or safety of children;

(C) a misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or

(D) a misdemeanor for operating a child care home without a license under section 35 of this chapter;

during the pendency of the application.

(d) An applicant must submit the necessary information, forms, or consents for the division to:

(1) conduct a criminal history check on the applicant's spouse; and

(2) obtain a national criminal history background check on the applicant through the state police department under ~~IC 5-2-5-15~~. **IC 10-13-3-39.**

(e) An applicant must do the following:

(1) Conduct a criminal history check of the applicant's:

(A) employees;

(B) volunteers; and

(C) household members who are:

(i) at least eighteen (18) years of age; or

(ii) less than eighteen (18) years of age but have previously been waived from juvenile court to adult court.

(2) Maintain records of each criminal history check.

SECTION 100. IC 12-17.2-5-6.5, AS AMENDED BY P.L.162-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.5. (a) To qualify for a license to operate a class II child care home under this chapter, a person must do the following:

(1) Provide all child care services on the first story of the child care home unless the class II child care home meets the exceptions to the first story requirements contained in the Indiana building code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.

(2) Provide a smoke detection system that is:

(A) hard wired to the building's electrical system; and

(B) wired in a manner that activates all of the detector devices in the building when one (1) detector device is activated.

(3) Provide a fire extinguisher in each room that is used to provide child care services.

(4) Meet:

(A) the exit requirements for an E-3 building occupancy classification under the Indiana building code adopted by the fire prevention and building safety commission, except for any illumination requirements, in effect at the time the class II child care home provider initially applies for licensure; and

(B) the illumination requirements established in section 6.3(b)(2)(D) of this chapter.

(5) Provide a minimum of thirty-five (35) square feet for each child.

(6) Conduct fire drills required under article 37 of the Indiana fire prevention code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.

(7) Apply for a license before July 1, 1996, or after June 30, 2001.

(8) Comply with rules adopted by the division of family ~~and children resources~~ for class II child care homes.

(9) Complete the training course taught or approved by the division concerning safe sleeping practices for a child within the person's care as described in IC 12-17.2-2-1(10).

(b) To qualify for a license to operate a class II child care home under this chapter, a person, before applying for the license, must have:

(1) a class I child care home license; or

(2) at least one (1) year of experience as a caregiver in a child care home or child care center.

SECTION 101. IC 12-17.2-5-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 29. (a) The division shall investigate a report of an unlicensed child care home and report the division's findings to the attorney general and to the ~~county department of public welfare division's~~ attorney and the prosecuting attorney in the county where the child care home is located.

(b) The attorney general or the county department of public welfare attorney may do the following:

(1) Seek the issuance of a search warrant to assist in the investigation.

(2) File an action for injunctive relief to stop the operation of a child care home if there is reasonable cause to believe that:

(A) the child care home is operating without a license required under this article; or

(B) a licensee's noncompliance with this article and the rules adopted under this article creates an imminent danger of serious bodily injury to a child or an imminent danger to the health of a child.

(3) Seek in a civil action a civil penalty not to exceed one hundred dollars (\$100) a day for each day a child care home is operating without a license required under this article.

(c) The division may provide for the removal of children from child care homes described in subsection (b).

(d) An opportunity for an informal meeting with the division shall be available after the injunctive relief is ordered.

(e) The civil penalties collected under this section shall be deposited in the child care fund.

(f) Section 34 of this chapter does not apply to the civil penalties imposed under this section.

SECTION 102. IC 12-17.2-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. Upon the completion of the inspections required under this chapter, a notice signed by the inspectors from the division and the office of the state fire marshal shall be issued to the operator of each child care ministry found to be in compliance. The notice shall be placed in a conspicuous place in the child care ministry, and must be in substantially the following form:

"THIS UNLICENSED REGISTERED CHILD CARE MINISTRY has been inspected and complies with state rules concerning health and sanitation in child care ministries.

DATE _____

SIGNATURE _____

DIVISION OF FAMILY ~~AND CHILDREN~~ **RESOURCES**
THIS UNLICENSED REGISTERED CHILD CARE MINISTRY has been inspected and complies with state law concerning fire safety and life safety.

DATE _____

SIGNATURE _____

STATE FIRE
MARSHAL'S OFFICE".

Page 30, line 26, strike "protection".

Page 30, line 26, after "services" insert "(as defined in IC 12-19-7-1)".

Page 30, line 29, delete "IC 31-33" and insert "IC 31-25 through IC 31-40".

Page 32, line 21, after "by" insert "the department or".

Page 32, line 21, after "county" insert "office".

Page 32, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 105. IC 12-20-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A township trustee is not under the jurisdiction of the division of family ~~and children~~ **resources**.

(b) The division of family ~~and children~~ **resources**:

(1) may not subject a township trustee to investigation concerning the trustee's official duties; and

(2) has no authority to make a report with reference to the official duties of a township trustee.

SECTION 106. IC 12-20-6-3, AS AMENDED BY P.L.73-2005, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. Each township trustee shall obtain information about public assistance programs and services administered by the division of family ~~and children~~ **resources** and county offices under this article, the Social Security Administration, the federal Food Stamp program (7 U.S.C. 2011 et seq.), or by another federal or state governmental entity. If a trustee believes a township assistance applicant or a member of the applicant's household may be eligible for a public assistance program, the trustee may not extend aid to the applicant or the applicant's household unless the applicant verifies that:

(1) the applicant has filed, within the one hundred eighty (180) days preceding the application for township assistance, an application for assistance under a federal or state public assistance program administered by the division of family ~~and children~~ **resources** and county offices or by another federal or state governmental entity;

(2) the applicant or a member of the applicant's household is receiving assistance under a public assistance program administered by the division of family ~~and children~~ **resources** and county offices or another federal or state governmental entity; or

(3) the applicant or a member of the applicant's household has an emergency need that the trustee determines must be met immediately.

SECTION 107. IC 12-20-6-5, AS AMENDED BY P.L.73-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. If the township trustee determines that an applicant or a member of the applicant's household who is granted emergency township assistance under section 3(3) of this chapter may be eligible for public assistance other than township assistance, the applicant shall, not more than fifteen (15) working days after the date that emergency township assistance was granted, file an application for public assistance and comply with all the requirements necessary for completing the application process for public assistance administered by the division of family ~~and children~~ **resources** and county offices or another federal or state governmental entity. An applicant or a member of the applicant's household who fails to file an application for public assistance not more than fifteen (15) working days after the date that emergency township assistance was granted may not be granted township assistance for sixty (60) days following the grant of township assistance on an emergency basis.

SECTION 108. IC 12-20-6-5.5, AS AMENDED BY P.L.73-2005, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.5. (a) This section does not apply in an emergency.

(b) If, before granting township assistance, the township trustee determines that an applicant or a member of an applicant's household may be eligible for public assistance other than township assistance, the applicant or household member shall, when referred by the township trustee, make an application and comply with all necessary requirements for completing the application process for public assistance administered by:

(1) the division of family ~~and children~~ **resources** and county offices; or

- (2) any other federal or state governmental entity.
- (c) An applicant or a household member who fails to:
 - (1) file an application as specified in subsection (b); and
 - (2) show evidence that the application, as referred by the township trustee, was filed not more than fifteen (15) working days after the township trustee's referral;

may be denied township assistance for not more than sixty (60) days.

SECTION 109. IC 12-20-7-1, AS AMENDED BY P.L.73-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Each applicant and each adult member of the applicant's household seeking township assistance must consent to a disclosure and release of information about the applicant and the applicant's household before township assistance may be provided by the township trustee. The consent must be made by signing a form prescribed by the state board of accounts. The form must include the following:

- (1) The applicant's name, case number, and address.
- (2) The types of information being solicited, including the following:
 - (A) Countable income.
 - (B) Countable assets.
 - (C) Wasted resources.
 - (D) Relatives capable of providing assistance.
 - (E) Past or present employment.
 - (F) Pending claims or causes of action.
 - (G) A medical condition if relevant to work or workfare requirements.
 - (H) Any other information required by law.
- (3) The names of individuals, agencies, and township trustee offices that will receive the information.
- (4) The expiration date of the permission to disclose information.
- (b) Information that is declared to be confidential by state or federal statute may not be obtained under the consent form prescribed by this section.
- (c) The township trustee shall keep on file and shall make available to the division of family ~~and children~~ **resources** and office of Medicaid policy and planning upon request a copy of the signed consent form described in subsection (a).
- (d) The township trustee shall send to the county office a copy of the signed consent form described in subsection (a).
- (e) The division of family ~~and children~~ **resources**, county offices, and the office of Medicaid policy and planning shall make available to the township trustee upon request a copy of signed consent to disclosure and release of information forms in each entity's files.
- (f) If an individual who is required to sign a form under this section is unable to sign the form in the township trustee's office due to a physical or mental disability or illness, the township trustee shall make alternate arrangements to obtain the individual's signature.

SECTION 110. IC 12-20-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The division of family ~~and children~~ **resources** and county offices shall use the consent forms received under this chapter to do the following:

- (1) Assist in making eligibility determinations for public assistance programs administered by the division of family ~~and children~~ **resources** and county offices.
- (2) Assist in reducing fraud and abuse in public assistance programs administered by the division of family ~~and children~~ **resources** and county offices.

resources and county offices.

SECTION 111. IC 12-20-7-5, AS AMENDED BY P.L.73-2005, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. Information that is received through the use of a consent form described in section 1 of this chapter and that is not a public record open to inspection and copying under any statute may be used only in connection with the following:

- (1) The administration of the township trustee's township assistance program.
- (2) The administration of public assistance programs that are administered by the division of family ~~and children~~ **resources** and county offices.

SECTION 112. IC 12-20-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. A township trustee, an assistant of a township trustee, or an employee or a director of the division of family ~~and children~~ **resources**, the office of Medicaid policy and planning, and county offices who knowingly discloses or uses information that is obtained through the use of a consent form described in section 1 of this chapter, except as authorized by this chapter, commits a Class A misdemeanor.

SECTION 113. IC 12-20-16-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) A township trustee may not provide food assistance for more than thirty (30) days unless an individual files an application with the township trustee that includes the following:

- (1) Evidence of application for food stamps from the division of family ~~and children~~ **resources**.
- (2) The amount of assistance received or the reason for denial of assistance.

(b) The township trustee shall inform an applicant for food assistance that food stamps may be available from the division of family ~~and children~~ **resources** and that the township trustee may not provide food assistance for more than thirty (30) days unless the individual files an application for food stamps with the division of family ~~and children~~ **resources**.

SECTION 114. IC 12-20-25-8, AS AMENDED BY P.L.73-2005, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. Upon receipt of a certification under section 7 of this chapter, the governor shall appoint a four (4) member management committee to assume the township trustee's duties as administrator of township assistance. The committee must consist of one (1) representative from each of the following:

- (1) The budget agency. This member serves as chairperson.
- (2) The state board of accounts.
- (3) The department.
- (4) The division of family ~~and children~~ **resources**.

SECTION 115. IC 12-20-25-29, AS AMENDED BY P.L.73-2005, SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 29. (a) A township assistance control board is established for each distressed township. The governor shall appoint the following members to the control board:

- (1) The budget director or the director's designee, who shall serve as the chairman of the board.
- (2) One (1) representative of the state board of accounts.
- (3) One (1) representative of the department.
- (4) One (1) representative of the division of family ~~and children~~ **resources**.

- (5) One (1) elected public official of the county.
- (6) One (1) township trustee.
- (7) One (1) individual who:
 - (A) resides in the county or is employed in the county by an employer paying taxes in the county; and
 - (B) is or agrees to become familiar with township assistance.
- (8) The township trustee of the distressed township, who shall serve as a nonvoting ex officio member of the control board.
- (b) The members of the control board serve at the pleasure of the governor.

(c) Each member of the board who is not a state employee or an elected official is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 116. IC 12-20-28-3, AS AMENDED BY P.L.180-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The definitions in this section apply to a report that is required to be filed under this section.

(b) As used in this section, "case contact" means any act of service in which a township employee has reason to enter a comment or narrative into the record of an application for township assistance under this article regardless of whether the applicant receives or does not receive township assistance funds.

(c) As used in this section, "total number of households containing township assistance recipients" means the sum to be determined by counting the total number of individuals who file an application for which assistance is granted. A household may be counted only once during a calendar year regardless of the number of times assistance is provided if the same individual makes the application for assistance.

(d) As used in this section, "total number of recipients" means the number of individuals who are members of a household that receives assistance on at least one (1) occasion during the calendar year. An individual may be counted only one (1) time during a calendar year regardless of the:

- (1) number of times assistance is provided; or
- (2) number of households in which the individual resides during a particular year.

(e) As used in this section, "total number of requests for assistance" means the number of times an individual or a household separately requests any type of township assistance.

(f) The township trustee shall file an annual statistical report on township housing, medical care, utility assistance, food assistance, burial assistance, food pantry assistance, services related to representative payee programs, services related to special nontraditional programs, and case management services with the state board of accounts. The township trustee shall provide a copy of the annual statistical report to the county auditor. The county auditor shall keep the copy of the report in the county auditor's office. Except as provided in subsection (k), the report must be made on a form provided by the state board of accounts. The report must contain the following information:

- (1) The total number of requests for assistance.
- (2) The total number of each of the following:

- (A) Recipients of township assistance.
- (B) Households containing recipients of township assistance.
- (C) Case contacts made with or on behalf of:
 - (i) recipients of township assistance; or
 - (ii) members of a household receiving township assistance.
- (3) The total value of benefits provided to recipients of township assistance.
- (4) The total value of benefits provided through the efforts of township staff from sources other than township funds.
- (5) The total number of each of the following:
 - (A) Recipients of township assistance and households receiving utility assistance.
 - (B) Recipients assisted by township staff in receiving utility assistance from sources other than township funds.
- (6) The total value of benefits provided for the payment of utilities, including the value of benefits of utility assistance provided through the efforts of township staff from sources other than township funds.
- (7) The total number of each of the following:
 - (A) Recipients of township assistance and households receiving housing assistance.
 - (B) Recipients assisted by township staff in receiving housing assistance from sources other than township funds.
- (8) The total value of benefits provided for housing assistance, including the value of benefits of housing assistance provided through the efforts of township staff from sources other than township funds.
- (9) The total number of each of the following:
 - (A) Recipients of township assistance and households receiving food assistance.
 - (B) Recipients assisted by township staff in receiving food assistance from sources other than township funds.
- (10) The total value of food assistance provided, including the value of food assistance provided through the efforts of township staff from sources other than township funds.
- (11) The total number of each of the following:
 - (A) Recipients of township assistance and households provided health care.
 - (B) Recipients assisted by township staff in receiving health care assistance from sources other than township funds.
- (12) The total value of health care provided, including the value of health care assistance provided through the efforts of township staff from sources other than township funds.
- (13) The total number of funerals, burials, and cremations.
- (14) The total value of funerals, burials, and cremations, including the difference between the:
 - (A) actual value of the funerals, burials, and cremations; and
 - (B) amount paid by the township for the funerals, burials, and cremations.
- (15) The total of each of the following:
 - (A) Number of nights of emergency shelter provided to the homeless.
 - (B) Number of nights of emergency shelter provided to homeless individuals through the efforts of township staff from sources other than township funds.
 - (C) Value of the nights of emergency shelter provided to homeless individuals by the township and the value of the

nights of emergency shelter provided through the efforts of the township staff from sources other than township funds.

(16) The total of each of the following:

(A) Number of referrals of township assistance applicants to other programs.

(B) Value of the services provided by the township in making referrals to other programs.

(17) The total number of training programs or job placements found for recipients of township assistance with the assistance of the township trustee.

(18) The number of hours spent by recipients of township assistance at workfare.

(19) The total value of the services provided by workfare to the township and other agencies.

(20) The total amount of reimbursement for assistance received from:

(A) recipients;

(B) members of recipients' households; or

(C) recipients' estates;

under IC 12-20-6-10, IC 12-20-27-1, or IC 12-20-27-1.5.

(21) The total amount of reimbursement for assistance received from medical programs under IC 12-20-16-2(e).

(22) The total of each of the following:

(A) Number of individuals assisted through a representative payee program.

(B) Amount of funds processed through the representative payee program that are not township funds.

(23) The total of each of the following:

(A) Number of individuals assisted through special nontraditional programs provided through the township without the expenditure of township funds.

(B) Amount of funds used to provide the special nontraditional programs that are not township funds.

(24) The total of each of the following:

(A) Number of hours an investigator of township assistance spends providing case management services to a recipient of township assistance or a member of a household receiving township assistance.

(B) Value of the case management services provided.

(25) The total number of housing inspections performed by the township.

If the total number or value of any item required to be reported under this subsection is zero (0), the township trustee shall include the notation "0" in the report where the total number or value is required to be reported.

(g) The state board of accounts shall compare and compile all data reported under subsection (f) into a statewide statistical report. The department shall summarize the data compiled by the state board of accounts that relate to the fixing of township budgets, levies, and tax rates and shall include the department's summary within the statewide statistical report prepared under this subsection. Before July 1, of each year, the state board of accounts shall file the statewide statistical report prepared under this subsection with the executive director of the legislative services agency in an electronic format under IC 5-14-6.

(h) The state board of accounts shall forward a copy of:

(1) each annual report forwarded to the board under subsection (f); and

(2) the statewide statistical report under subsection (g);

to the department and the division of family ~~and children~~ **resources**.

(i) The division of family ~~and children~~ **resources** shall include in the division's periodic reports made to the United States Department of Health and Human Services concerning the Temporary Assistance to Needy Families (TANF) and Supplemental Security Income (SSI) programs information forwarded to the division under subsection (h) concerning the total number of recipients of township assistance and the total dollar amount of benefits provided.

(j) The department may not approve the budget of a township trustee who fails to file an annual report under subsection (f) in the preceding calendar year.

(k) This section does not prevent the electronic transfer of data required to be reported under IC 12-2-1-40 (before its repeal) or this section if the following conditions are met:

(1) The method of reporting is acceptable to both the township trustee reporting the information and the governmental entity to which the information is reported.

(2) A written copy of information reported by electronic transfer is on file with the township trustee reporting information by electronic means.

(l) The information required to be reported by the township trustee under this section shall be maintained by the township trustee in accordance with IC 5-15-6."

Page 32, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 118. IC 12-22-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The bureau head is responsible for the following:

(1) Developing a definition and criteria for emotional disturbance and serious emotional disturbance.

(2) Assessing current and projected needs for emotionally disturbed children and youth within geographic areas of Indiana.

(3) Developing an annual plan for children's mental health services, including an implementation plan and fiscal requirements.

(4) Developing the budget and budget requests for the bureau.

(5) Implementing plans required under federal Public Law 99-660 (1986).

(6) Developing and coordinating programs and services for prevention and family support.

(7) Providing technical assistance and oversight of children's mental health programs and services within mental health facilities that are licensed or certified by the state.

(8) Coordinating with the director of the ~~division of family and children~~ **department of child services** on matters concerning children with mental health needs.

(9) Coordinating with other bureaus of the division.

(10) Maintaining sufficient staff to carry out the duties of the bureau.

SECTION 119. IC 12-24-13-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. The ~~division of family and children~~ **department of child services** or a county office is responsible for the cost of treatment or maintenance of a child under the ~~division's~~ **department's** or county office's custody or

supervision who is placed in a state institution only if the cost is reimbursable under the state Medicaid program under IC 12-15.

SECTION 120. IC 12-26-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. If the comfort and the care of an individual are not otherwise provided:

- (1) from the individual's estate;
- (2) by the individual's relatives or friends; or
- (3) through financial assistance from the **department of child services, the division of family and children resources**, or a county office;

the court may order the assistance furnished and paid for out of the general fund of the county.

SECTION 121. IC 12-30-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. The superintendent of a county home shall carefully observe the rules prescribed by the board of commissioners and shall be guided by suggestions that are made by the division of family ~~and children resources~~ and the county office. The superintendent shall make reports to the board of commissioners when the board of commissioners orders and shall make reports to the division of family ~~and children resources~~ when directed by the division.

SECTION 122. IC 12-30-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The members of the county home board serve without salary, but are entitled to receive for each mile actually and necessarily traveled:

- (1) within the county in going to and from officially called meetings of the county home board; and
- (2) within Indiana in going to and from meetings of the county home board officially called by the division of family ~~and children resources~~;

an amount for mileage at a rate determined by the county fiscal body.

(b) A member not holding other lucrative elective or appointive office may receive a per diem allowance of not more than twenty-five dollars (\$25) for attendance at any regularly called meeting of the county home board. Per diem allowances may not exceed twenty-five dollars (\$25) to any one (1) member in a calendar month and may be paid only if the amount has been made available by appropriation.

SECTION 123. IC 12-30-3-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) This section applies to a county having a consolidated city.

(b) The county home board shall fix a schedule of charges for the care and maintenance of patients or residents and the effective date of the schedule. A schedule of charges established under this section is not effective until after the charges have been approved by resolution of the city-county council. In establishing the schedule of charges, the county home board may fix different rates based on different types or classes of care. If the home is licensed under state or federal laws that authorize or fix different classes of care, those classifications authorized or fixed by law are a sufficient basis for classification in the schedule of charges. The schedule of charges may also provide that separate and additional charges may be charged for special treatments, drugs, medical service, appliances, and other auxiliary services that are not included in the classification of care.

(c) This section is the exclusive basis of determining the charges to be made to patients and residents of a county home and the provisions of any other laws regarding those rates, including laws concerning county institutions, relief of poor persons, township trustees, county

offices of the division of family ~~and children resources~~, and boards of commissioners, do not apply. However, a rate established under this section must be based on a fair and reasonable estimate of the cost of the care and may not anticipate any profit from rendering the care."

Page 34, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 126. IC 16-21-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The hospital council is created.

(b) The council consists of nine (9) members appointed by the governor as follows:

- (1) One (1) must be a licensed physician.
- (2) One (1) must be a registered nurse licensed under IC 25-23 and experienced in providing acute care services.
- (3) Three (3) must be individuals engaged in hospital administration.
- (4) One (1) must be an individual engaged in freestanding ambulatory outpatient surgical center administration.
- (5) One (1) must be from the division of family ~~and children resources~~.
- (6) One (1) must be the state health commissioner.
- (7) One (1) must be an individual who is not associated with hospitals, except as a consumer.

(c) Except for the members of the council appointed under subsection (b)(3) and (b)(4), a member of the council may not have a pecuniary interest in the operation of, or provide professional services through employment or under contract to, an institution or agency licensed under this article.

SECTION 127. IC 16-22-8-34, AS AMENDED BY P.L.184-2005, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 34. (a) The board or corporation may do all acts necessary or reasonably incident to carrying out the purposes of this chapter, including the following:

- (1) As a municipal corporation, sue and be sued in any court with jurisdiction.
- (2) To serve as the exclusive local board of health and local department of health within the county with the powers and duties conferred by law upon local boards of health and local departments of health.
- (3) To adopt and enforce ordinances consistent with Indiana law and administrative rules for the following purposes:
 - (A) To protect property owned or managed by the corporation.
 - (B) To determine, prevent, and abate public health nuisances.
 - (C) To establish quarantine regulations, impose restrictions on persons having infectious or contagious diseases and contacts of the persons, and regulate the disinfection of premises.
 - (D) To license, regulate, and establish minimum sanitary standards for the operation of a business handling, producing, processing, preparing, manufacturing, packing, storing, selling, distributing, or transporting articles used for food, drink, confectionery, or condiment in the interest of the public health.
 - (E) To control:
 - (i) rodents, mosquitos, and other animals, including insects, capable of transmitting microorganisms and disease to humans and other animals; and
 - (ii) the animal's breeding places.

- (F) To require persons to connect to available sewer systems and to regulate the disposal of domestic or sanitary sewage by private methods. However, the board and corporation has no jurisdiction over publicly owned or financed sewer systems or sanitation and disposal plants.
- (G) To control rabies.
- (H) For the sanitary regulation of water supplies for domestic use.
- (I) To protect, promote, or improve public health. For public health activities and to enforce public health laws, the state health data center described in IC 16-19-10 shall provide health data, medical information, and epidemiological information to the corporation.
- (J) To detect, report, prevent, and control disease affecting public health.
- (K) To investigate and diagnose health problems and health hazards.
- (L) To regulate the sanitary and structural conditions of residential and nonresidential buildings and unsafe premises.
- (M) To license and regulate the design, construction, and operation of public pools, spas, and beaches.
- (N) To regulate the storage, containment, handling, use, and disposal of hazardous materials.
- (O) To license and regulate tattoo parlors and body piercing facilities.
- (4) To manage the corporation's hospitals, medical facilities, and mental health facilities.
- (5) To furnish health and nursing services to elementary and secondary schools within the county.
- (6) To furnish medical care to the indigent within the county unless medical care is furnished to the indigent by the division of family ~~and children~~ **resources**.
- (7) To determine the public health policies and programs to be carried out and administered by the corporation.
- (8) To adopt an annual budget ordinance and levy taxes.
- (9) To incur indebtedness in the name of the corporation.
- (10) To organize the personnel and functions of the corporation into divisions and subdivisions to carry out the corporation's powers and duties and to consolidate, divide, or abolish the divisions and subdivisions.
- (11) To acquire and dispose of property.
- (12) To receive and make gifts.
- (13) To receive and distribute federal, state, local, or private grants.
- (14) To erect buildings or structures or improvements to existing buildings or structures.
- (15) To determine matters of policy regarding internal organization and operating procedures.
- (16) To do the following:
 - (A) Adopt a schedule of reasonable charges for nonresidents of the county for medical and mental health services.
 - (B) Collect the charges from the patient or from the governmental unit where the patient resided at the time of the service.
 - (C) Require security for the payment of the charges.
- (17) To adopt a schedule of and to collect reasonable charges for patients able to pay in full or in part.

- (18) To enforce Indiana laws, administrative rules, and the code of the health and hospital corporation of the county.
- (19) To purchase supplies, materials, and equipment for the corporation.
- (20) To employ personnel and establish personnel policies to carry out the duties, functions, and powers of the corporation.
- (21) To employ attorneys admitted to practice law in Indiana.
- (22) To acquire, erect, equip, and operate the corporation's hospitals, medical facilities, and mental health facilities.
- (23) To dispose of surplus property in accordance with a policy by the board.
- (24) To determine the duties of officers and division directors.
- (25) To fix the compensation of the officers and division directors.
- (26) To carry out the purposes and object of the corporation.
- (27) To obtain loans for hospital expenses in amounts and upon terms agreeable to the board. The board may secure the loans by pledging accounts receivable or other security in hospital funds.
- (28) To establish fees for licenses, services, and records. The corporation may accept payment by credit card for fees.

(b) The board shall exercise the board's powers and duties in a manner consistent with Indiana law, administrative rules, and the code of the health and hospital corporation of the county.

SECTION 128. IC 16-28-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The Indiana health facilities council is created. The council consists of fourteen (14) members as follows:

- (1) One (1) licensed physician.
- (2) Two (2) administrators, licensed under IC 25-19-1, of a proprietary health facility licensed under this article.
- (3) One (1) administrator, licensed under IC 25-19-1, of a nonproprietary health facility licensed under this article.
- (4) One (1) registered nurse licensed under IC 25-23.
- (5) One (1) registered pharmacist licensed under IC 25-26.
- (6) Two (2) citizens having knowledge or experience in the field of gerontology.
- (7) One (1) representative of a statewide senior citizens organization.
- (8) One (1) citizen having knowledge or experience in the field of mental health.
- (9) One (1) nurse-educator of a practical nurse program.
- (10) The commissioner.
- (11) The director of the division of family ~~and children~~ **resources** or the director's designee.
- (12) The director of the division of disability, aging, and rehabilitative services or the director's designee.
- (b) The members of the council designated by subsection (a)(1) through (a)(9) shall be appointed by the governor.
- (c) Except for the members of the council designated by subsection (a)(10) through (a)(12), all appointments are for four (4) years. If a vacancy occurs, the appointee serves for the remainder of the unexpired term. A vacancy is filled from the same group that was represented by the outgoing member.
- (d) Except for the members of the council designated by subsection (a)(2) through (a)(3), a member of the council may not have a pecuniary interest in the operation of or provide professional services through employment or under contract to a facility licensed under this

article.

SECTION 129. IC 16-28-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The council shall do the following:

- (1) Propose the adoption of rules by the department under IC 4-22-2 governing the following:
 - (A) Health and sanitation standards necessary to protect the health, safety, security, rights, and welfare of patients.
 - (B) Qualifications of applicants for licenses issued under this article to assure the proper care of patients.
 - (C) Operation, maintenance, management, equipment, and construction of facilities required to be licensed under this article if jurisdiction is not vested in any other state agency.
 - (D) Manner, form, and content of the license, including rules governing disclosure of ownership interests.
 - (E) Levels of medical staffing and medical services in cooperation with the office of Medicaid policy and planning, division of family and children resources, and other agencies authorized to pay for the services.
- (2) Recommend to the fire prevention and building safety commission fire safety rules necessary to protect the health, safety, security, rights, and welfare of patients.
- (3) Classify health facilities in health care categories.
- (4) Encourage the development of social and habilitative programs in health facilities, as recommended by the community residential facilities council.
- (5) Act as an advisory body for the division, commissioner, and state department.
- (6) Adopt rules under IC 4-22-2. ~~as provided in IC 16-29-1-13.~~

SECTION 130. IC 16-33-4-11, AS AMENDED BY P.L.1-2005, SECTION 147, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) After an adequate investigation as determined by the superintendent of the home or the superintendent's designee, including consideration of appropriateness of placement, and with the approval of the state health commissioner or the commissioner's designee, the superintendent of the home shall receive as a resident in the home a child if the child meets the requirements under subsection (b).

(b) Before the child may be received as a resident in the home under subsection (a) the child must meet the following requirements:

- (1) The parent or parents of the child are Indiana residents immediately before application or the child is physically present in Indiana immediately before application.
- (2) The child is at least three (3) years of age but less than eighteen (18) years of age.
- (3) The child is in need of residential care and education.

(c) If the applications of all children of members of the armed forces have been considered and space is available, the superintendent of the home may, if a child meets the requirements under subsection (b), receive as residents in the home the:

- (1) grandchildren;
- (2) stepchildren;
- (3) brothers;
- (4) sisters;
- (5) nephews; and
- (6) nieces;

of members of the armed forces who are in need of residential care

and education.

(d) If the applications of all children eligible for residence under subsections (a) through (c) have been considered and if space is available, the superintendent may accept for residence children referred:

- (1) by the ~~division of family and children~~ **department of child services** established by ~~IC 12-13-1-1; IC 31-33-1.5-2~~; or
- (2) by the division of special education established by IC 20-35-2-1;

subject to an adequate investigation as determined by the superintendent of the home or the superintendent's designee, including a consideration of appropriateness of placement, and the approval of the state health commissioner or the commissioner's designee.

SECTION 131. IC 16-33-4-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) An application for admission to the home may be made by a responsible parent, a guardian, a representative of the court, or the county office of family and children.

(b) If an application is submitted by a person other than a responsible parent or guardian, the superintendent of the home shall cooperate with the appropriate county office of family and children, either directly or through the ~~division of family and children;~~ **department of child services**, to ensure that an appropriate case study is made upon application and continued throughout the period the child resides at the home.

SECTION 132. IC 16-33-4-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. (a) Each child, the estate of the child, the parent or parents of the child, or the guardian of the child, individually or collectively, are liable for the payment of the costs of maintenance of the child of up to one hundred percent (100%) of the per capita cost, except as otherwise provided. The cost shall be computed annually by dividing the total annual cost of operation for the fiscal year, exclusive of the cost of education programs, construction, and equipment, by the total child days each year. The maintenance cost shall be referred to as maintenance charges. The charge may not be levied against any of the following:

- (1) The ~~division of family and children~~ **department of child services** or the county office of family and children to be derived from county tax sources.
- (2) A child orphaned by reason of the death of the natural parents.

(b) The billing and collection of the maintenance charges as provided for in subsection (a) shall be made by the superintendent of the home based on the per capita cost for the preceding fiscal year. All money collected shall be deposited in a fund to be known as the Indiana soldiers' and sailors' children's home maintenance fund. The fund shall be used by the state health commissioner for the:

- (1) preventative maintenance; and
- (2) repair and rehabilitation;

of buildings of the home that are used for housing, food service, or education of the children of the home.

(c) The superintendent of the home may, with the approval of the state health commissioner, agree to accept payment at a lesser rate than that prescribed in subsection (a). The superintendent of the home shall, in determining whether or not to accept the lesser amount, take into consideration the amount of money that is necessary to maintain or support any member of the family of the child. All agreements to

accept a lesser amount are subject to cancellation or modification at any time by the superintendent of the home with the approval of the state health commissioner.

(d) A person who has been issued a statement of amounts due as maintenance charges may petition the superintendent of the home for a release from or modification of the statement and the superintendent shall provide for hearings to be held on the petition. The superintendent of the home may, with the approval of the state health commissioner and after the hearing, cancel or modify the former statement and at any time for due cause may increase the amounts due for maintenance charges to an amount not to exceed the maximum cost as determined under subsection (a).

(e) The superintendent of the home may arrange for the establishment of a graduation or discharge trust account for a child by arranging to accept a lesser rate of maintenance charge. The trust fund must be of sufficient size to provide for immediate expenses upon graduation or discharge.

(f) The superintendent may make agreements with instrumentalities of the federal government for application of any monetary awards to be applied toward the maintenance charges in a manner that provides a sufficient amount of the periodic award to be deposited in the child's trust account to meet the immediate personal needs of the child and to provide a suitable graduation or discharge allowance. The amount applied toward the settlement of maintenance charges may not exceed the amount specified in subsection (a).

(g) The superintendent of the home may do the following:

(1) Investigate, either with the superintendent's own staff or on a contractual or other basis, the financial condition of each person liable under this chapter.

(2) Make determinations of the ability of:

(A) the estate of the child;

(B) the legal guardian of the child; or

(C) each of the responsible parents of the child;

to pay maintenance charges.

(3) Set a standard as a basis of judgment of ability to pay that shall be recomputed periodically to do the following:

(A) Reflect changes in the cost of living and other pertinent factors.

(B) Provide for unusual and exceptional circumstances in the application of the standard.

(4) Issue to any person liable under this chapter statements of amounts due as maintenance charges, requiring the person to pay monthly, quarterly, or otherwise as may be arranged, an amount not exceeding the maximum cost as determined under this chapter."

Page 35, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 134. IC 16-37-2-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.1. (a) A paternity affidavit may be executed as provided in this section through:

(1) a hospital; or

(2) a local health department.

(b) Immediately before or after the birth of a child who is born out of wedlock, a person who attends or plans to attend the birth, including personnel of all public or private birthing hospitals, shall:

(1) provide an opportunity for:

(A) the child's mother; and

(B) a man who reasonably appears to be the child's biological father;

to execute an affidavit acknowledging paternity of the child; and

(2) verbally explain to the individuals listed in subdivision (1) the legal effects of an executed paternity affidavit as described in subsection (g).

(c) A paternity affidavit must be executed on a form provided by the state department. The paternity affidavit is valid only if the affidavit is executed as follows:

(1) If executed through a hospital, the paternity affidavit must be completed not more than seventy-two (72) hours after the child's birth.

(2) If executed through a local health department, the paternity affidavit must be completed before the child has reached the age of emancipation.

(d) A paternity affidavit is not valid if it is executed after the mother of the child has executed a consent to adoption of the child and a petition to adopt the child has been filed.

(e) A paternity affidavit executed under this section must contain or be attached to all of the following:

(1) The mother's sworn statement asserting that a person described in subsection (a)(2) is the child's biological father.

(2) A statement by a person identified as the father under subdivision (1) attesting to a belief that he is the child's biological father.

(3) Written information furnished by the ~~division of family and children~~ **child support bureau of the department of child services**:

(A) explaining the effect of an executed paternity affidavit as described in subsection (g); and

(B) describing the availability of child support enforcement services.

(4) The Social Security number of each parent.

(f) A woman who knowingly or intentionally falsely names a man as the child's biological father under this section commits a Class A misdemeanor.

(g) A paternity affidavit executed under this section:

(1) establishes paternity; and

(2) gives rise to parental rights and responsibilities of the person described in subsection (e)(2), including the right of the child's mother or the Title IV-D agency to obtain a child support order against the person.

However, if a paternity affidavit is executed under this section, the child's mother has sole legal custody of the child unless another custody determination is made by a court in a proceeding under IC 31-14.

(h) Notwithstanding any other law:

(1) any person listed in IC 31-14-4-1 or IC 31-14-4-3; or

(2) a man who is a party to a paternity affidavit executed under this section;

may, within sixty (60) days of the date that a paternity affidavit is executed under this section, file an action in a court with jurisdiction over paternity to request an order for a genetic test.

(i) A paternity affidavit that is properly executed under this section may not be rescinded more than sixty (60) days after the paternity affidavit is executed unless a court has determined that fraud, duress,

or material mistake of fact existed in the execution of the paternity affidavit.

(j) Unless good cause is shown, a court shall not suspend the legal responsibilities under subsection (g)(2) of a party to the executed paternity affidavit during a challenge to the affidavit.

(k) The court shall set aside the paternity affidavit upon a showing from a genetic test that sufficiently demonstrates that the person who executed the paternity affidavit is excluded as the child's biological father.

(l) If a paternity affidavit is not executed under subsection (b), the hospital where the birth occurs or a person in attendance at the birth shall inform the child's mother of services available for establishing paternity."

Page 37, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 136. IC 16-41-40-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, ~~"division"~~ **"department"** refers to the ~~division of family and children~~ **department of child services** established by ~~IC 12-13-1-1; IC 31-33-1.5-2."~~

Page 38, line 28, delete "IC 12-7-2-149.1(4))" and insert **"IC 12-7-2-149.1 or IC 31-9-2-99.3)".**

Page 38, line 29, after "division" insert **"or the department of child services"**.

Page 38, line 31, after "division" insert **"or the department of child services"**.

Page 39, between lines 8 and 9, begin a new paragraph and insert: "SECTION 141. IC 16-46-6-4, AS AMENDED BY P.L.2-2005, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The council consists of the following twenty-one (21) members:

- (1) Two (2) members of the house of representatives from different political parties appointed by the speaker of the house of representatives.
- (2) Two (2) members of the senate from different political parties appointed by the president pro tempore of the senate.
- (3) The governor or the governor's designee.
- (4) The state health commissioner or the commissioner's designee.
- (5) The director of the division of family ~~and children~~ **resources** or the director's designee.
- (6) The director of the office of Medicaid policy and planning or the director's designee.
- (7) The director of the division of mental health and addiction or the director's designee.
- (8) The commissioner of the department of correction or the commissioner's designee.
- (9) One (1) representative of a local health department appointed by the governor.
- (10) One (1) representative of a public health care facility appointed by the governor.
- (11) One (1) psychologist appointed by the governor who:
 - (A) is licensed to practice psychology in Indiana; and
 - (B) has knowledge and experience in the special health needs of minorities.
- (12) One (1) member appointed by the governor based on the recommendation of the Indiana State Medical Association.

(13) One (1) member appointed by the governor based on the recommendation of the National Medical Association.

(14) One (1) member appointed by the governor based on the recommendation of the Indiana Hospital and Health Association.

(15) One (1) member appointed by the governor based on the recommendation of the American Cancer Society.

(16) One (1) member appointed by the governor based on the recommendation of the American Heart Association.

(17) One (1) member appointed by the governor based on the recommendation of the American Diabetes Association.

(18) One (1) member appointed by the governor based on the recommendation of the Black Nurses Association.

(19) One (1) member appointed by the governor based on the recommendation of the Indiana Minority Health Coalition.

(b) At least fifty-one percent (51%) of the members of the council must be minorities.

SECTION 142. IC 20-26-11-8, AS AMENDED BY P.L.89-2005, SECTION 4, AND AS AMENDED BY P.L.231-2005, SECTION 33, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) A student who is placed in a state licensed private or public health care facility, child care facility, or foster family home:

- (1) by or with the consent of the ~~division of family and children;~~ **department of child services;**
- (2) by a court order; or
- (3) by a child placing agency licensed by the ~~division of family and children;~~ **department of child services;**

may attend school in the school corporation in which the home or facility is located. If the school corporation in which the home or facility is located is not the school corporation in which the student has legal settlement, the school corporation in which the student has legal settlement shall pay the transfer tuition of the student.

(b) A student who is placed in a state licensed private or public health care or child care facility by a parent may attend school in the school corporation in which the facility is located if:

- (1) the placement is necessary for the student's physical or emotional health and well-being and, if the placement is in a health care facility, is recommended by a physician; and
- (2) the placement is projected to be for not less than fourteen (14) consecutive calendar days or a total of twenty (20) calendar days.

The school corporation in which the student has legal settlement shall pay the transfer tuition of the student. The parent of the student shall notify the school corporation in which the facility is located and the school corporation of the student's legal settlement, if identifiable, of the placement. Not later than thirty (30) days after this notice, the school corporation of legal settlement shall either pay the transfer tuition of the transferred student or appeal the payment by notice to the department. The acceptance or notice of appeal by the school corporation must be given by certified mail to the parent or guardian of the student and any affected school corporation. In the case of a student who is not identified as disabled under IC 20-35, the state board shall make a determination on transfer tuition according to the procedures in section 15 of this chapter. In the case of a student who has been identified as disabled under IC 20-35, the determination on transfer tuition shall be made under this subsection and the procedures adopted by the state board under ~~IC 20-35-2-1(c)(5).~~

IC 20-35-2-1(b)(5).

(c) A student who is placed in:

- (1) an institution operated by the division of disability, aging, and rehabilitative services or the division of mental health and addiction; or
- (2) an institution, a public or private facility, a home, a group home, or an alternative family setting by the division of disability, aging, and rehabilitative services or the division of mental health and addiction;

may attend school in the school corporation in which the institution is located. The state shall pay the transfer tuition of the student, unless another entity is required to pay the transfer tuition as a result of a placement described in subsection (a) or (b) or another state is obligated to pay the transfer tuition.

(d) A student:

- (1) who is placed in a facility, home, or institution described in subsection (a), (b), or (c); and
- (2) for whom there is no other entity or person required to pay transfer tuition;

may attend school in the school corporation in which the facility, home, or institution is located. The department shall conduct an investigation and determine whether any other entity or person is required to pay transfer tuition. If the department determines that no other entity or person is required to pay transfer tuition, the state shall pay the transfer tuition for the student out of the funds appropriated for tuition support."

Page 39, line 16, after "after" insert **"the department of child services or"**.

Page 39, line 16, after "county" insert **"office of family and children"**.

Page 39, line 17, after "student, the" insert **"department of child services or the"**.

Page 39, line 17, after "county" insert **"office of family and children"**.

Page 39, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 144. IC 20-26-11-12, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) If a student is transferred under section 5 of this chapter from a school corporation in Indiana to a public school corporation in another state, the transferor corporation shall pay the transferee corporation the full tuition fee charged by the transferee corporation. However, the amount of the full tuition fee may not exceed the amount charged by the transferor corporation for the same class of school, or if the school does not have the same classification, the amount may not exceed the amount charged by the geographically nearest school corporation in Indiana that has the same classification.

(b) If a child is:

- (1) placed by a court order in an out-of-state institution or other facility; and
- (2) provided all educational programs and services by a public school corporation in the state where the child is placed, whether at the facility, the public school, or another location;

the county office of family and children for the county placing the child shall pay from the county family and children's fund to the public school corporation in which the child is enrolled the amount of

transfer tuition specified in subsection (c).

(c) The transfer tuition for which a county office is obligated under subsection (b) is equal to the following:

- (1) The amount under a written agreement among the county office, the institution or other facility, and the governing body of the public school corporation in the other state that specifies the amount and method of computing transfer tuition.
- (2) The full tuition fee charged by the transferee corporation, if subdivision (1) does not apply. However, the amount of the full tuition fee must not exceed the amount charged by the transferor corporation for the same class of school, or if the school does not have the same classification, the amount must not exceed the amount charged by the geographically nearest school corporation in Indiana that has the same classification.

(d) If a child is:

- (1) placed by a court order in an out-of-state institution or other facility; and
- (2) provided:

(A) onsite educational programs and services either through the facility's employees or by contract with another person or organization that is not a public school corporation; or

(B) educational programs and services by a nonpublic school; the county office of family and children for the county placing the child shall pay from the county family and children's fund in an amount and in the manner specified in a written agreement between the county office and the institution or other facility.

(e) An agreement described in subsection (c) or (d) is subject to the approval of the director of the ~~division of family and children~~ **department of child services**. However, for purposes of IC 4-13-2, the agreement shall not be treated as a contract.

SECTION 145. IC 20-26-13-10, AS ADDED BY P.L.242-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. Except as provided in section 11 of this chapter, the graduation rate for a cohort in a high school is the percentage determined under STEP SEVEN of the following formula:

STEP ONE: Determine the grade 9 enrollment at the beginning of the reporting year three (3) years before the reporting year for which the graduation rate is being determined.

STEP TWO: Add:

(A) the number determined under STEP ONE; and

(B) the number of students who:

- (i) have enrolled in the high school after the date on which the number determined under STEP ONE was determined; and
- (ii) have the same expected graduation year as the cohort.

STEP THREE: Add:

(A) the sum determined under STEP TWO; and

(B) the number of retained students from earlier cohorts who became members of the cohort for whom the graduation rate is being determined.

STEP FOUR: Add:

(A) the sum determined under STEP THREE; and

(B) the number of students who:

- (i) began the reporting year in a cohort that expects to graduate during a future reporting year; and
- (ii) graduate during the current reporting year.

STEP FIVE: Subtract from the sum determined under STEP FOUR the number of students who have left the cohort for any of the following reasons:

- (A) Transfer to another public or nonpublic school.
- (B) Removal by the student's parents under IC 20-33-2-28 to provide instruction equivalent to that given in the public schools.
- (C) Withdrawal because of a long term medical condition or death.
- (D) Detention by a law enforcement agency or the department of correction.
- (E) Placement by a court order or the ~~division of family and children~~ **department of child services**.
- (F) Enrollment in a virtual school.
- (G) Graduation before the beginning of the reporting year.
- (H) Leaving school, if the student attended school in Indiana for less than one (1) school year and the location of the student cannot be determined.
- (I) Leaving school, if the location of the student cannot be determined and the student has been reported to the Indiana clearinghouse for information on missing children.
- (J) Withdrawing from school before graduation, if the student is a high ability student (as defined in IC 20-36-1-3) who is a full-time student at an accredited institution of higher education during the semester in which the cohort graduates.

STEP SIX: Determine the total number of students who have graduated during the current reporting year.

STEP SEVEN: Divide:

- (A) the number determined under STEP SIX; by
- (B) the remainder determined under STEP FIVE.

SECTION 146. IC 20-35-3-1, AS ADDED BY P.L.218-2005, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The state superintendent shall appoint a state advisory council on the education of children with disabilities. The state advisory council's duties consist of providing policy guidance concerning special education and related services for children with disabilities. The state superintendent shall appoint at least seventeen (17) members who serve for a term of four (4) years. Vacancies shall be filled in the same manner for the unexpired balance of the term.

(b) The members of the state advisory council must be:

- (1) citizens of Indiana;
- (2) representative of the state's population; and
- (3) selected on the basis of their involvement in or concern with the education of children with disabilities.

(c) A majority of the members of the state advisory council must be individuals with disabilities or the parents of children with disabilities. Members must include the following:

- (1) Parents of children with disabilities.
- (2) Individuals with disabilities.
- (3) Teachers.
- (4) Representatives of higher education institutions that prepare special education and related services personnel.
- (5) State and local education officials.
- (6) Administrators of programs for children with disabilities.
- (7) Representatives of state agencies involved in the financing or delivery of related services to children with disabilities, including

the following:

- (A) The commissioner of the state department of health or the commissioner's designee.
- (B) The director of the division of disability, aging, and rehabilitative services or the director's designee.
- (C) The director of the division of mental health and addiction or the director's designee.
- (D) The director of the ~~division of family and children~~ **department of child services** or the director's designee.
- (8) Representatives of nonpublic schools and freeway schools.
- (9) One (1) or more representatives of vocational, community, or business organizations concerned with the provision of transitional services to children with disabilities.
- (10) Representatives of the department of correction.
- (11) A representative from each of the following:
 - (A) The Indiana School for the Blind and Visually Impaired board.
 - (B) The Indiana School for the Deaf board.
- (d) The responsibilities of the state advisory council are as follows:
 - (1) To advise the state superintendent and the state board regarding all rules pertaining to children with disabilities.
 - (2) To recommend approval or rejection of completed comprehensive plans submitted by school corporations acting individually or on a joint school services program basis with other corporations.
 - (3) To advise the department of unmet needs within Indiana in the education of children with disabilities.
 - (4) To provide public comment on rules proposed by the state board regarding the education of children with disabilities.
 - (5) To advise the department in developing evaluations and reporting data to the United States Secretary of Education under 20 U.S.C. 1418.
 - (6) To advise the department in developing corrective action plans to address findings identified in federal monitoring reports under 20 U.S.C. 1400 et seq.
 - (7) To advise the department in developing and implementing policies related to the coordination of services for children with disabilities.
- (e) The state advisory council shall do the following:
 - (1) Organize with a chairperson selected by the state superintendent.
 - (2) Meet as often as necessary to conduct the council's business at the call of the chairperson, upon ten (10) days written notice, but not less than four (4) times a year.
- (f) Members of the state advisory council are entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties.
- (g) The state superintendent shall do the following:
 - (1) Designate the director to act as executive secretary of the state advisory council.
 - (2) Furnish all professional and clerical assistance necessary for the performance of the state advisory council's powers and duties.
- (h) The affirmative votes of a majority of the members appointed to the state advisory council are required for the state advisory council to take action.

SECTION 147. IC 20-35-6-1, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Before February 1 of each calendar year, a program for preschool children with disabilities that is supported by the division of family ~~and children resources~~ shall notify a school corporation of the numbers and disabling conditions of the children who are likely to enter into a program of special education in the school corporation in the immediately following school year.

SECTION 148. IC 20-35-7-4, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. As used in this chapter, "public agency" means a public or private entity that has direct or delegated authority to provide special education and related services, including the following:

- (1) Public school corporations that operate programs individually or cooperatively with other school corporations.
- (2) Community agencies operated or supported by the office of the secretary of family and social services.
- (3) State developmental centers operated by the division of disability, aging, and rehabilitative services.
- (4) State hospitals operated by the division of mental health and addiction.
- (5) State schools and programs operated by the state department of health.
- (6) Programs operated by the department of correction.
- (7) Private schools and facilities that serve students referred or placed by a school corporation, the division of special education, the ~~division of family and children~~, **department of child services**, or other public entity.

SECTION 149. IC 21-3-1.6-1.1, AS AMENDED BY P.L.1-2005, SECTION 170, AND AS AMENDED BY P.L.246, SECTION 191, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.1. As used in this chapter:

(a) "School corporation" means any local public school corporation established under Indiana law. Except as otherwise indicated, the term includes a charter school.

(b) "School year" means a year beginning July 1 and ending the next succeeding June 30.

(c) "State distribution" due a school corporation means the amount of state funds to be distributed to a school corporation in any calendar year under this chapter.

(d) "Average daily membership" or "ADM" of a school corporation means the number of eligible pupils enrolled in the school corporation or in a transferee corporation on a day to be fixed annually by the Indiana state board of education and ~~beginning in the school year that ends in the 2005 calendar year~~, as subsequently adjusted not later than January 30 under the rules adopted by the state board of education. The initial day of the count shall fall within the first thirty (30) days of the school term. If, however, extreme patterns of student in-migration, illness, natural disaster, or other unusual conditions in a particular school corporation's enrollment on either the day fixed by the Indiana state board of education or on the subsequent adjustment date, cause the enrollment to be unrepresentative of the school corporation's enrollment throughout a school year, the Indiana state board of education may designate another day for determining the school corporation's enrollment. The Indiana state board of education

shall monitor changes that occur after the fall count, in the number of students enrolled in programs for children with disabilities and shall, before December 2 of that same year and, beginning in the 2004 calendar year, before April 2 of the following calendar year, make an adjusted count of students enrolled in programs for children with disabilities. The superintendent of public instruction shall certify the December adjusted count to the budget committee before February 5 of the following year and the April adjusted count not later than May 31 immediately after the date of the April adjusted count. In determining the ADM, each kindergarten pupil shall be counted as one-half (1/2) pupil. Where a school corporation commences kindergarten in a school year, the ADM of the current and prior calendar years shall be adjusted to reflect the enrollment of the kindergarten pupils. In determining the ADM, each pupil enrolled in a public school and a nonpublic school is to be counted on a full-time equivalency basis as provided in section 1.2 of this chapter.

(e) "Additional count" of a school corporation, or comparable language, means the aggregate of the additional counts of the school corporation for certain pupils as set out in section 3 of this chapter (repealed) and as determined at the times for calculating ADM. "Current additional count" means the initial computed additional count of the school corporation for the school year ending in the calendar year. "Prior year additional count" of a school corporation used in computing its state distribution in a calendar year means the initial computed additional count of the school corporation for the school year ending in the preceding calendar year.

(f) For purposes of this subsection, "school corporation" does not include a charter school. "Adjusted assessed valuation" of any school corporation used in computing state distribution for a calendar year means the assessed valuation in the school corporation, adjusted as provided in IC 6-1.1-34. The amount of the valuation shall also be adjusted downward by the department of local government finance to the extent it consists of real or personal property owned by a railroad or other corporation under the jurisdiction of a federal court under the federal bankruptcy laws (11 U.S.C. 101 et seq.) if as a result of the corporation being involved in a bankruptcy proceeding the corporation is delinquent in payment of its Indiana real and personal property taxes for the year to which the valuation applies. If the railroad or other corporation in some subsequent calendar year makes payment of the delinquent taxes, then the state superintendent of public instruction shall prescribe adjustments in the distributions of state funds pursuant to this chapter as are thereafter to become due to a school corporation affected by the delinquency as will ensure that the school corporation will not have been unjustly enriched under the provisions of P.L.382-1987(ss). The amount of the valuation shall also be adjusted downward by the department of local government finance to the extent it consists of real or personal property described in IC 6-1.1-17-0.5(b).

(g) "General fund" means a fund established under IC 21-2-11-2.

(h) "Teacher" means every person who is required as a condition of employment by a school corporation to hold a teacher's license issued or recognized by the state, except substitutes and any person paid entirely from federal funds.

(i) For purposes of this subsection, "school corporation" does not include a charter school. "Teacher ratio" of a school corporation used in computing state distribution in any calendar year means the ratio assigned to the school corporation pursuant to section 2 of this

chapter.

(j) "Eligible pupil" means a pupil enrolled in a school corporation if:

- (1) the school corporation has the responsibility to educate the pupil in its public schools without the payment of tuition;
- (2) subject to subdivision (5), the school corporation has the responsibility to pay transfer tuition under ~~IC 20-8.1-6.1~~, IC 20-8.1-6.1 (before its repeal) or IC 20-26-11, because the pupil is transferred for education to another school corporation (the "transferee corporation");
- (3) the pupil is enrolled in a school corporation as a transfer student under ~~IC 20-8.1-6.1~~, IC 20-8.1-6.1 (before its repeal) or IC 20-26-11-6 or entitled to be counted for ADM or additional count purposes as a resident of the school corporation when attending its schools under any other applicable law or regulation;
- (4) the state is responsible for the payment of transfer tuition to the school corporation for the pupil under ~~IC 20-8.1-6.1~~, IC 20-8.1-6.1 (before its repeal) or IC 20-26-11; or
- (5) all of the following apply:

- (A) The school corporation is a transferee corporation.
- (B) The pupil does not qualify as a qualified pupil in the transferee corporation under subdivision (3) or (4).
- (C) The transferee corporation's attendance area includes a state licensed private or public health care facility, child care facility, or foster family home where the pupil was placed:
 - (i) by or with the consent of the ~~division of family and children~~, **department of child services**;
 - (ii) by a court order;
 - (iii) by a child placing agency licensed by the ~~division of family and children~~, **department of child services**; or
 - (iv) by a parent or guardian under ~~IC 20-8.1-6.1~~, IC 20-8.1-6.1 (before its repeal) or IC 20-26-11-8.

For purposes of IC 21-3-12, the term includes a student enrolled in a charter school.

(k) "General fund budget" of a school corporation means the amount of the budget approved for a given year by the department of local government finance and used by the department of local government finance in certifying a school corporation's general fund tax levy and tax rate for the school corporation's general fund as provided for in IC 21-2-11. The term does not apply to a charter school.

~~(l) "At risk index" means the following:~~

~~(1) For a school corporation that is not a charter school, the sum of:~~

~~(A) the product of sixteen-hundredths (0.16) multiplied by the percentage of families in the school corporation with children who are less than eighteen (18) years of age and who have a family income below the federal income poverty level (as defined in IC 12-15-2-1);~~

~~(B) the product of four-tenths (0.4) multiplied by the percentage of families in the school corporation with a single parent; and~~

~~(C) the product of forty-four hundredths (0.44) multiplied by the percentage of the population in the school corporation who are at least twenty (20) years of age with less than a twelfth grade education.~~

~~The data to be used in making the calculations under this subdivision must be the data from the 2000 federal decennial census.~~

~~(2) For a charter school, the index determined under subdivision (1) for the school corporation in which the charter school is located.~~

~~(m) (l) "ADM of the previous year" or "ADM of the prior year" used in computing a state distribution in a calendar year means the initial computed ADM for the school year ending in the preceding calendar year.~~

~~(m) (m) "Current ADM" used in computing a state distribution in a calendar year means the initial computed ADM for the school year ending in the calendar year.~~

SECTION 150. IC 24-6-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The division of weights and measures shall take charge of the standards adopted by this chapter as the standards of the state, cause them to be kept in a fireproof building belonging to the state, and from which they shall not be removed except for repairs or for certification, and take all other necessary precautions for their safekeeping.

(b) The division shall maintain the state standards in good order and shall submit them once in ten (10) years to the National Institute of Standards and Technology for certification. The division or inspectors at the division's direction, shall correct the standards of the several cities and counties, and as often as once in two (2) years compare the same with those in the division's possession, and where not otherwise provided by law the division shall have the general supervision of the weights, measures, and measuring and weighing devices in use in Indiana.

(c) The division of weights and measures is also authorized to adopt rules, specifications, and tolerances necessary for the enforcement of this chapter. The division shall, upon the written request of any Indiana citizen, firm, corporation, limited liability company, or institution, test or calibrate weights, measures, weighing, or measuring devices and instruments or apparatus used as standards in Indiana. The division or inspectors at the division's direction, shall at least once annually test all scales, weights, and measures and devices used in checking the receipt or disbursement of supplies in every institution under the jurisdiction of the ~~division of family and children~~ **department of child services** and the division shall report in writing the findings to the executive officer of the institution concerned.

(d) The division of weights and measures shall keep a complete record of the standards, balances, and other apparatus belonging to the state and take a receipt for the same from the successor in office to the head of the division.

(e) The division or inspectors at the division's direction, shall at least once in two (2) years visit the various cities and counties in Indiana that have appointed sealers of weights and measures in order to inspect the work of the local sealers. In the performance of such duties, the division may inspect the weights, measures, balances, or any other weighing or measuring appliances of any person.

(f) The division of weights and measures shall issue from time to time rules for the guidance of state, county, and city sealers or inspectors. The rules shall govern the procedure to be followed by those officers in the discharge of their duties."

Page 42, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 152. IC 25-16-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) The term "employment agency", as used in this chapter, means any person, firm, limited liability company, or corporation, who for hire or with a view to profit, shall undertake or offer to secure employment or help through the medium of card, circular, pamphlet, or any medium whatsoever, or through the display of a sign or bulletin, offer to secure employment or help, or give information as to where employment or help may be secured.

(b) Nothing in this chapter shall apply to the business and vocation of babysitting.

(c) Nothing in this chapter shall apply to charitable and benevolent organizations and associations approved by the division of family ~~and children~~ **resources**. All charitable and benevolent organizations and associations approved by the division of family ~~and children~~ **resources** shall, before being authorized to conduct such employment agency or department, secure a permit from the department of state revenue by filing an application giving such information as may be required. No charge shall be made for the issuance of such permit, which may be revoked on the same terms as a license is revocable.

SECTION 153. IC 25-19-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) There is created the Indiana state board of health facility administrators composed of fourteen (14) members as follows:

- (1) The state health commissioner or the commissioner's designee.
- (2) The director of the division of family ~~and children~~ **resources** or the director's designee.
- (3) The state long term care ombudsman or the state long term care ombudsman's designee.
- (4) The chief administrative officer of the Indiana University medical center at Indianapolis or the chief administrative officer's designee.
- (5) One (1) member of the medical profession holding an unlimited license to practice medicine in Indiana.
- (6) One (1) hospital administrator who must hold an executive position in an Indiana hospital.
- (7) Four (4) administrators of licensed proprietary health facilities.
- (8) Two (2) administrators of licensed nonproprietary health facilities.
- (9) Two (2) members representing the public at large, who:
 - (A) are residents of Indiana; and
 - (B) have never been associated with health facility services or administration in any way other than as a resident or a family member of a resident of a health facility.

(b) Those members of the board other than the representatives of state agencies and institutions shall be appointed by the governor after consultation with the associations and societies appropriate to the disciplines and professions representative of the position to be filled. The original and all subsequent physician and hospital administrator appointments shall be for terms of four (4) years. All appointments shall be for four (4) year terms, except that in case of a vacancy prior to term completion, the appointment shall be for the remainder of the unexpired term. Any vacancy, either prior to or at term completion, shall be filled by the governor after consultation with the associations and societies appropriate to the discipline or professions

representative of the vacancy. In all cases, the appointees shall serve until their successors are appointed and qualified.

(c) The governor may remove any member of the board other than the representative of a state agency or institution for misconduct, incapacity, incompetence, or neglect of duty after the member has been served with a written statement of charges and has been given an opportunity to be heard. Designated representatives of the state agencies or institutions may be removed by the original appointing authority for any of those causes.

SECTION 154. IC 25-23.6-1-3.9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.9. "Governmental employee" means an individual employed by the office of the secretary of family and social services, the division of family ~~and children~~ **resources**, the division of mental health and addiction, the division of disability, aging, and rehabilitative services, the department of correction, or the state department of health in one (1) of the following classifications:

- (1) 2AA3 Behavioral clinician 3.
- (2) 2AA4 Behavioral clinician 4.
- (3) 2AA5 Clinical associate 5.
- (4) 2FL1 Mental health administrator 1.
- (5) 2FL2 Mental health administrator 2.
- (6) 2FL3 Mental health administrator 3.
- (7) 2AN3 Substance abuse counselor 3.
- (8) 2AN4 Substance abuse counselor 4.
- (9) 2AN5 Substance abuse counselor 5.
- (10) 2AH2 Social services specialist 2.
- (11) 2AH3 Social services specialist 3.
- (12) 2AH4 Social services specialist 4.
- (13) 2AI1 Psychiatric services director 1.
- (14) 2AE2 Psychiatric social services specialist 2.
- (15) 2AE3 Psychiatric social services specialist 3."

Page 48, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 160. IC 29-3-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. "Person" means an individual, an organization, an association, a nonprofit corporation, a corporation for profit, a limited liability company, a partnership, a financial institution, a trust, the division of family ~~and children~~ **resources** or other governmental entity, or other legal entity.

SECTION 161. IC 29-3-9-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. The ~~division of family and children~~ **department** or county office of family and children shall investigate and report to the court concerning the conditions and circumstances of a minor or an alleged incapacitated person or protected person and the fitness and conduct of the guardian or the proposed guardian whenever ordered to do so by the court."

Page 49, line 35, delete "IC 31-25-4" and insert "**IC 31-25**".

Page 52, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 163. IC 31-9-2-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 26. "County office", for purposes of **IC 31-25 through IC 31-40** and the juvenile law, refers to a county office of family and children."

Page 52, delete lines 40 through 42.

Page 53, delete lines 1 through 25.

Page 55, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 191. IC 31-9-2-48.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2006]: **Sec. 48.5. "Group home", for purposes of IC 31-27, means a residential structure in which care is provided on a twenty-four (24) hour basis for not more than ten (10) children.**

SECTION 192. IC 31-9-2-64 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 64. "Interested person", for purposes of IC 31-19-20 and IC 31-19-24, means any of the following:

- (1) An adoptee.
- (2) A birth parent.
- (3) An adoptive parent.
- (4) A relative of a birth parent.
- (5) A relative of an adoptive parent.
- (6) The ~~division of family and children~~ **department** or a county office of family and children.
- (7) An adoption agency.
- (8) A court."

Page 57, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 205. IC 31-9-2-106 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 106. (a) "Registry", for purposes of IC 31-19-5, refers to the putative father registry established by IC 31-19-5-2.

(b) "Registry", for purposes of IC 31-33, refers to the child abuse registry established by the ~~division of family and children~~ **department** under IC 31-33-17."

Page 60, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 214. IC 31-14-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. A paternity action may be filed by the following persons:

- (1) The mother or expectant mother.
- (2) A man alleging that:
 - (A) he is the child's biological father; or
 - (B) he is the expectant father of an unborn child.
- (3) The mother and a man alleging that he is her child's biological father, filing jointly.
- (4) The expectant mother and a man alleging that he is the biological father of her unborn child, filing jointly.
- (5) A child.
- (6) The ~~division of family and children~~ **department** or a county office of family and children under section 3 of this chapter.
- (7) The prosecuting attorney under section 2 of this chapter.

SECTION 215. IC 31-14-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Upon the request of:

- (1) the child;
- (2) the mother or expectant mother;
- (3) a man alleging to be the father or expectant father;
- (4) the ~~division of family and children~~ **department**; or
- (5) the county office of family and children;

the prosecuting attorney shall file a paternity action and represent the child in that action.

(b) A prosecuting attorney's office may file a paternity action if the child is:

- (1) or is alleged to be, a child in need of services; and
- (2) under the supervision of the ~~division of family and children~~ **department** or the county office of family and children as the result of a court ordered out-of-home placement.

SECTION 216. IC 31-14-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The ~~division of family and children~~ **department** or a county office of family and children may file a paternity action if:

- (1) the mother;
- (2) the person with whom the child resides; or
- (3) the director of the county office of family and children;

has executed an assignment of support rights under Title IV-D of the federal Social Security Act (42 U.S.C. 651 through 669).

SECTION 217. IC 31-14-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) This section does not apply to an action filed by the ~~division of family and children~~ **department** or its agents under section 4 of this chapter (or IC 31-6-6.1-6(c) before its repeal).

(b) The mother, a man alleging to be the child's father, or the ~~division of family and children~~ **department** or its agents must file a paternity action not later than two (2) years after the child is born, unless:

- (1) both the mother and the alleged father waive the limitation on actions and file jointly;
- (2) support has been furnished by the alleged father or by a person acting on his behalf, either voluntarily or under an agreement with:

- (A) the mother;
- (B) a person acting on the mother's behalf; or
- (C) a person acting on the child's behalf;

(3) the mother, the ~~division of family and children~~ **department**, or the county office of family and children files a petition after the alleged father has acknowledged in writing that he is the child's biological father;

(4) the alleged father files a petition after the mother has acknowledged in writing that he is the child's biological father;

(5) the petitioner was incompetent at the time the child was born; or

(6) a responding party cannot be served with summons during the two (2) year period.

(c) If any of the conditions described in subsection (b) exist, the paternity petition must be filed not later than two (2) years after the condition described in subsection (b) ceases to exist.

SECTION 218. IC 31-14-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. If:

- (1) public assistance has been furnished for the child by the division of family ~~and children~~ **resources**; and
- (2) an assignment of support rights under Title IV-D of the federal Social Security Act (42 U.S.C. 651 through 669) has been executed on behalf of the child;

the division of family ~~and children~~ **resources** or the county office of family and children may file an action before the child becomes nineteen (19) years of age or graduates from high school, whichever occurs first."

Page 63, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 232. IC 31-16-12.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A custodial parent may file a petition for a setoff of child support from a state income tax refund payable to a child support obligor in:

- (1) the court that entered the original child support order; or
- (2) a court of competent jurisdiction located in the county of residence of the custodial parent.

(b) The petition must be verified and must include all of the following:

- (1) The full name of:
 - (A) the obligor;
 - (B) the custodial parent; and
 - (C) each child to whom the obligor owes child support.
- (2) An averment that:
 - (A) the obligor's aggregate child support arrearage on the date the petition is filed is at least one thousand five hundred dollars (\$1,500); and
 - (B) the obligor has intentionally violated the terms of the most recent child support order.
- (3) An indication of whether the custodial parent:
 - (A) has received or is receiving assistance under the Title IV-A program; or
 - (B) has assigned child support payments under IC 12-14-7-1; during the period of time for which child support is owed by the obligor.

(c) The court shall notify the child support bureau of the ~~division of family and children department~~ of the pendency of an action under this chapter if the petition:

- (1) indicates under subsection (b)(3)(A) that the custodial parent has received or is receiving assistance; or
- (2) indicates under subsection (b)(3)(B) that an assignment has occurred.

(d) The state has a right to intervene as a party in a hearing under this chapter if the custodial parent has received or is receiving assistance as described in subsection (b)(3)(A) or if an assignment as described in subsection (b)(3)(B) has occurred.

SECTION 233. IC 31-16-15-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. The child support bureau of the ~~division of family and children department~~ shall send notice to an employer, using the National Medical Support Notice described in 45 CFR 303.3, that:

- (1) a parent ordered to pay support has been ordered to provide insurance coverage as part of the parent's employee benefit plan under IC 31-16-6-4; or
- (2) an obligation to provide insurance coverage under subdivision (1) is no longer in effect.

SECTION 234. IC 31-16-17-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) Any of the following may prosecute a civil action for support of a parent:

- (1) The parent.
- (2) The township trustee.
- (3) The county director of the county office of family and children.
- (4) The director of the division of family ~~and children resources~~.
- (5) The prosecuting attorney.

(b) Costs may not be taxed against:

- (1) the prosecuting attorney;
- (2) the county director of the county office of family and children;
- (3) the township trustee; or
- (4) the director of the division of family ~~and children resources~~.

Page 64, between lines 3 and 4, begin a new paragraph and insert: "SECTION 236. IC 31-18-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. If the ~~division of family and children department~~ determines that an agent of the Title IV-D agency is neglecting or refusing to provide services to an individual, the ~~division department~~ may:

- (1) direct the agent to perform duties of the agent under this article; or
- (2) provide the services directly to the individual.

SECTION 237. IC 31-18-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The ~~division of family and children department~~ is the state information agency for Indiana under this article.

(b) The ~~division of family and children department~~ shall do the following:

- (1) Compile and maintain a current list, including addresses, of each Indiana tribunal that has jurisdiction under this article and transmit a copy of the list to the state information agency of every state.
- (2) Maintain a registry of tribunals and support enforcement agencies received from other states.
- (3) Forward to the appropriate tribunal in the location in Indiana in which:
 - (A) the obligee or the obligor resides; or
 - (B) the obligor's property is believed to be located;
 all documents concerning a proceeding under this article received from an initiating tribunal or the state information agency of the initiating state.
- (4) Obtain information concerning the location of the obligor and the obligor's property within Indiana that is not exempt from execution by the following methods:

- ~~(1)~~ (A) Postal verification.
- ~~(2)~~ (B) Federal or state locator services.
- ~~(3)~~ (C) Examination of telephone directories.
- ~~(4)~~ (D) Requests for the obligor's address from employers.
- ~~(5)~~ (E) Examination of governmental records, including, to the extent not prohibited by other law, records relating to the following:
 - ~~(A)~~ (i) Real property.
 - ~~(B)~~ (ii) Vital statistics.
 - ~~(C)~~ (iii) Law enforcement.
 - ~~(D)~~ (iv) Taxation.
 - ~~(E)~~ (v) Motor vehicles.
 - ~~(F)~~ (vi) Driver's licenses.
 - ~~(G)~~ (vii) Social Security.
 - ~~(H)~~ (viii) Worker's compensation."

Page 79, line 38, delete "child" and insert "department".

Page 79, line 39, delete "protection services system".

Page 79, line 40, delete "representatives," and insert "representatives in carrying out the responsibility of the department under section 7 of this chapter,".

Page 80, line 22, delete "child" and insert "**department**".

Page 80, line 23, delete "protection services system".

Page 80, line 24, delete "representatives," and insert "**representatives in carrying out the responsibility of the department under section 7 of this chapter,**".

Page 108, line 28, delete "department" and insert "**county office**".

Page 109, line 22, delete "department's" and insert "**department of the county office's**".

Page 109, line 33, delete "department" and insert "**county office**".

Page 109, line 36, delete "department" and insert "**county office**".

Page 110, line 13, after "be" insert "**filed with and**".

Page 118, line 31, delete "fund." and insert "**fund established by IC 12-17.2-2-3.**".

Page 119, delete line 31.

Page 124, line 42, delete "check" and insert "**check, as defined by IC 31-9-2-22.5,**".

Page 125, line 16, delete "department," and insert "**office,**".

Page 129, line 28, delete "attorney".

Page 129, line 30, delete "county office attorney" and insert "**department**".

Page 130, line 36, after "office" delete "attorney".

Page 130, line 39, delete "county office attorney" and insert "**department**".

Page 131, line 40, delete "470 IAC 3-1-1 et seq." and insert "**465 IAC 2-1-1 et seq.**".

Page 132, line 1, delete "470 IAC 3-1-1 et seq.;" and insert "**465 IAC 2-1-1 et seq.;**".

Page 132, line 9, delete "470 IAC 3-1-1 et seq.;" and insert "**465 IAC 2-1-1 et seq.;**".

Page 132, line 33, delete "470 IAC 3-1-1 et seq." and insert "**465 IAC 2-1-1 et seq.**".

Page 132, line 40, delete "470 IAC 3-1-1 et seq.;" and insert "**465 IAC 2-1-1 et seq.;**".

Page 140, line 17, after "office" delete "attorney".

Page 140, line 20, delete "county office attorney" and insert "**department**".

Page 140, line 30, delete "fund." and insert "**fund established by IC 12-17.2-2-3.**".

Page 143, line 38, delete "departments" and insert "**office**".

Page 148, line 3, after "office" delete "attorney".

Page 148, line 5, delete "county office attorney" and insert "**department**".

Page 149, line 13, after "office" delete "attorney".

Page 149, line 16, delete "county office attorney" and insert "**department**".

Page 154, line 27, after "office" delete "attorney".

Page 154, line 29, delete "county office attorney" and insert "**department**".

Page 155, line 35, after "office" delete "attorney".

Page 155, line 38, delete "county office attorney" and insert "**department**".

Page 165, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 276. IC 31-33-17-6, AS AMENDED BY P.L.234-2005, SECTION 149, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. Upon request, a person or an organization may have access to information contained

in the registry as follows:

- (1) A law enforcement agency or the **department division of family resources** may have access to a substantiated report.
- (2) A person may have access to information consisting of an identifiable notation of a conviction arising out of a report of child abuse or neglect.
- (3) Upon submitting written verification of an application for employment or a consent for release of information signed by a child care provider, a person or an agency may obtain the following information contained in the child abuse registry regarding an individual who has applied for employment or volunteered for services in a capacity that would place the individual in a position of trust with children less than eighteen (18) years of age or regarding a child care provider who is providing or may provide child care for the person's child:
 - (A) Whether a child was found by a court to be a child in need of services based on a report of child abuse or neglect naming the applicant, volunteer, or child care provider as the alleged perpetrator.
 - (B) Whether criminal charges were filed against the applicant, volunteer, or child care provider based on a report of child abuse or neglect naming the applicant, volunteer, or child care provider as the alleged perpetrator.
 - (C) Whether a court has issued an arrest warrant for the applicant, volunteer, or child care provider based on a report of child abuse or neglect in which the applicant, volunteer, or child care provider is named as the alleged perpetrator.
- (4) A person may have access to whatever information is contained in the registry pertaining to the person, with protection for the identity of:
 - (A) the person who reports the alleged child abuse or neglect; and
 - (B) any other appropriate person.
- (5) A person or an agency to whom child abuse and neglect reports are available under IC 31-33-18 may also have access to information contained in the registry.
- (6) If a child care provider provides child care in the provider's home, upon submitting a consent for release of information signed by an individual who is at least eighteen (18) years of age, who resides with the child care provider, and who may have direct contact with children for whom the provider provides child care, a person may obtain the following information contained in the child abuse registry regarding the individual:
 - (A) Whether a child was found by a court to be a child in need of services based on a report of child abuse or neglect naming the individual as the alleged perpetrator.
 - (B) Whether criminal charges were filed against the individual based on a report of child abuse or neglect naming the individual as the alleged perpetrator.
 - (C) Whether a court has issued an arrest warrant for the individual based on a report of child abuse or neglect in which the individual is named as the alleged perpetrator.
- (7) The **department division of family resources** may use the following information contained in the registry regarding an individual described in IC 12-17.2-3.5-4.1(a) for purposes of determining the eligibility of a child care provider to receive a voucher payment (as defined in IC 12-17.2-3.5-3):

(A) Whether a child has been found by a court to be a child in need of services based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

(B) Whether criminal charges have been filed against the individual based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

(C) Whether a court has issued an arrest warrant for the individual based on a report of child abuse or neglect in which the individual is named as the alleged perpetrator.

The ~~department~~ **division** may not disclose information used in connection with the ~~department's~~ **division's** activities under this subdivision."

Page 176, line 10, after "(6)" delete "a" and insert "**the**".

Page 178, between lines 5 and 6, begin a new paragraph and insert: "SECTION 283. IC 31-34-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) The ~~division of family and children~~ **department** may not:

(1) initiate a court proceeding to:

(A) terminate the parental rights concerning; or

(B) transfer legal custody of; or

(2) require a parent, guardian, or custodian to consent to:

(A) the termination of parental rights; or

(B) transfer of legal custody of;

a child with an emotional, a behavioral, or a mental disorder or a developmental or physical disability who is voluntarily placed out of the home for the purpose of obtaining special treatment or care, solely because the parent, guardian, or custodian is unable to provide the treatment or care. Relinquishment of custody of a child described in this subsection may not be made a condition for receipt of services or care delivered or funded by the ~~division~~ **department or the county office** of family and children.

(b) When a child described in subsection (a) is voluntarily placed out of the home to receive special treatment or care, the ~~division of family and children~~ **department** and the parent, guardian, or custodian of the child may execute a voluntary placement agreement that includes the following:

(1) A statement that, by entering into a voluntary placement agreement, the parent, guardian, or custodian of the child is not transferring legal custody of the child to the ~~division of family and children~~ **department**.

(2) A statement specifying the legal status of the child.

(3) A statement specifying the rights and obligations of the parent, guardian, or custodian."

Page 178, line 23, delete "is:" and insert "is".

Page 178, line 24, strike "(1)".

Page 178, line 25, delete "placement; or" and insert "placement."

Page 178, strike line 26.

Page 178, line 27, delete "department,".

Page 178, line 27, strike "expected to be residing in the location designated as".

Page 178, strike lines 28 through 29.

Page 178, run in lines 23 through 29.

Page 184, line 19, after "office" insert "**or department**".

Page 186, line 13, reset in roman "a county office".

Page 186, line 13, after "children," insert "**or**".

Page 186, line 15, reset in roman "county office".

Page 186, line 15, after "office" insert "**or the**".

Page 186, line 19, reset in roman "a county".

Page 186, line 20, reset in roman "office".

Page 186, line 20, after "children" insert "**or**".

Page 186, line 23, reset in roman "county office".

Page 186, line 23, after "office" insert "**or the**".

Page 186, line 31, reset in roman "county office".

Page 186, line 31, after "children," insert "**or the**".

Page 187, line 14, reset in roman "a county office".

Page 187, line 14, after "children" insert "**or**".

Page 189, line 20, reset in roman "county office".

Page 189, line 20, after "children" insert "**or the**".

Page 191, line 37, reset in roman "county office".

Page 191, line 37, after "children" insert "**or the**".

Page 196, line 4, delete "or".

Page 196, line 6, reset in roman "county office".

Page 196, line 6, after "office" insert ";".

Page 196, line 6, reset in roman "or".

Page 196, line 7, after "(B)" insert "**(C)**".

Page 196, line 14, delete "or".

Page 196, line 16, reset in roman "county office".

Page 196, line 16, after "office" insert ";".

Page 196, line 16, reset in roman "or".

Page 196, line 17, after "(B)" insert "**(C)**".

Page 199, line 34, after "member of" reset in roman "the".

Page 199, line 34, reset in roman "staff of".

Page 201, line 25, reset in roman "county office".

Page 201, line 26, after "children;" insert "**or the**".

Page 207, line 22, reset in roman "a county office".

Page 207, line 22, after "children," insert "**or**".

Page 207, line 40, after "department" insert ",".

Page 207, line 40, strike "or".

Page 207, line 41, reset in roman "county office".

Page 207, line 41, after "children," insert "**or the**".

Page 208, line 26, strike "or".

Page 208, line 27, reset in roman "county office".

Page 208, line 27, delete "department." and insert "; or

(C) the department.".

Page 209, line 14, reset in roman "county office".

Page 209, line 15, after "children" insert "**or the**".

Page 210, line 4, reset in roman "county office".

Page 210, line 4, after "children" insert "**or the**".

Page 210, line 30, reset in roman "county office".

Page 210, line 30, after "children" insert "**or the**".

Page 213, line 13, reset in roman "county office".

Page 213, line 13, after "office" insert "**or the**".

Page 216, line 39, strike "IC 12-7-2-29)," and insert "**IC 31-9-2-16.7)**".

Page 219, line 4, after "for the" insert "**department on behalf of the**".

Page 219, line 6, strike "county office or the".

Page 219, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 356. IC 33-32-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this chapter, "Indiana support enforcement tracking system (ISETS)" refers to the statewide automated system for the collection,

disbursement, and distribution of child support payments established by the ~~division of family and children~~ **department of child services**.

SECTION 357. IC 33-32-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The clerk is not personally liable or liable in the clerk's official capacity on the clerk's official bond for funds received if the clerk:

(1) through error or in accordance with the best information available to the clerk, disbursed the funds to a person the clerk reasonably believed to be entitled to receive the funds and to comply with a:

(A) child support order; or

(B) garnishment order;

(2) inappropriately disbursed or misapplied child support funds, arising without the knowledge or approval of the clerk, that resulted from:

(A) an action by an employee of, or a consultant to, the ~~division of family and children~~ **department of child services**;

(B) an ISETS technological error; or

(C) information generated by ISETS;

(3) disbursed funds that the clerk reasonably believed were available for disbursement but that were not actually available for disbursement;

(4) disbursed child support funds paid to the clerk by a personal check that was later dishonored by a financial institution; and

(5) did not commit a criminal offense as a part of the disbursement.

SECTION 358. IC 34-30-2-45.2, AS ADDED BY P.L.145-2005, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 45.2. IC 12-16-2.5-6.5 (Concerning administering agreements between the hospital and the division of family ~~and children~~ **resources** under the hospital care for the indigent program).".

Page 220, line 41, reset in roman "a county office".

Page 220, line 42, after "children;" insert "or".

Page 222, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 363. IC 35-46-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) Except as provided in subsection (b), a person who recklessly, knowingly, or intentionally exerts unauthorized use of the personal services or the property of:

(1) an endangered adult; or

(2) a dependent eighteen (18) years of age or older;

for the person's own profit or advantage or for the profit or advantage of another person commits exploitation of a dependent or an endangered adult, a Class A misdemeanor.

(b) The offense described in subsection (a) is a Class D felony if:

(1) the fair market value of the personal services or property is more than ten thousand dollars (\$10,000); or

(2) the endangered adult or dependent is at least sixty (60) years of age.

(c) Except as provided in subsection (d), a person who recklessly, knowingly, or intentionally deprives an endangered adult or a dependent of the proceeds of the endangered adult's or the dependent's benefits under the Social Security Act or other retirement program that the division of family ~~and children~~ **resources** or county office of family and children has budgeted for the endangered adult's

or dependent's health care commits financial exploitation of an endangered adult or a dependent, a Class A misdemeanor.

(d) The offense described in subsection (c) is a Class D felony if:

(1) the amount of the proceeds is more than ten thousand dollars (\$10,000); or

(2) the endangered adult or dependent is at least sixty (60) years of age.

(e) It is not a defense to an offense committed under subsection (b)(2) or (d)(2) that the accused person reasonably believed that the endangered adult or dependent was less than sixty (60) years of age at the time of the offense.

(f) It is a defense to an offense committed under subsection (a), (b), or (c) if the accused person:

(1) has been granted a durable power of attorney or has been appointed a legal guardian to manage the affairs of an endangered adult or a dependent; and

(2) was acting within the scope of the accused person's fiduciary responsibility.".

Page 223, between lines 5 and 6, begin a new paragraph and insert: "SECTION 365. IC 36-7-4-1108 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1108. (a) This section applies only to a child care home that is used as the primary residence of the person who operates the child care home.

(b) As used in this section, "child care home" has the meaning set forth in IC 12-7-2-28.6.

(c) Except as provided in subsection (e), a zoning ordinance may not do any of the following:

(1) Exclude a child care home from a residential area solely because the child care home is a business.

(2) Impose limits on the number of children that may be served by a child care home at any one (1) time that vary from the limits set forth in IC 12-7-2-33.7 and IC 12-7-2-33.8.

(3) Impose requirements or restrictions upon child care homes that vary from the requirements and restrictions imposed upon child care homes by rules adopted by the division of family ~~and children~~ **resources** or the fire prevention and building safety commission.

(d) Notwithstanding subsection (c), a child care home may be required to meet the same:

(1) zoning requirements;

(2) developmental standards; and

(3) building codes;

that apply to other residential structures in the same residential district or classification as the child care home.

(e) A zoning ordinance:

(1) that is in effect on July 1, 1993; and

(2) that:

(A) excludes a child care home from a residential area solely because the child care home is a business;

(B) imposes limits on the number of children that may be served by a child care home at any one (1) time that vary from the limits set forth in IC 12-7-2-33.7 and IC 12-7-2-33.8; or

(C) imposes requirements or restrictions upon child care homes that vary from the requirements and restrictions imposed upon child care homes by rules adopted by the division of family ~~and children~~ **resources** or the fire prevention and building safety commission;

is not subject to subsection (c) until July 1, 1994.

SECTION 366. IC 36-7-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) A unit may establish a housing authority if the fiscal body of the unit, by resolution, declares that there is a need for an authority in the unit.

(b) The determination as to whether or not there is a need for an authority may be made by the fiscal body:

- (1) on its own motion;
- (2) on the filing of a petition signed by twenty-five (25) residents of the unit and stating that there is a need for an authority in the unit; or
- (3) on receipt of an order from the division of family ~~and children~~ **resources**.

(c) A resolution may be passed under this section only after a public hearing. Notice of the time, place, and purpose of the hearing must be given by the fiscal body by publication in accordance with IC 5-3-1.

(d) The fiscal body of a unit may adopt a resolution declaring that there is need for a housing authority in the unit if it finds that:

- (1) unsanitary or unsafe dwelling accommodations are inhabited in the unit; or
- (2) there is a shortage of safe or sanitary dwelling accommodations available in the unit for persons of low income at rentals they can afford.

In determining whether dwelling accommodations are unsafe or unsanitary, the fiscal body may consider the degree of overcrowding, the percentage of land coverage, the light, air, space, and access available to inhabitants, the size and arrangement of the rooms, the sanitary facilities, and the extent to which conditions in the buildings endanger life or property by fire or other causes.

(e) In any proceeding involving any contract of a housing authority, the authority shall be conclusively presumed to have become established and authorized to transact business and exercise its powers under this chapter on proof of the adoption of a resolution by the fiscal body declaring the need for the authority. The resolution is sufficient if it declares that there is a need for an authority and finds that either or both of the conditions listed in subsection (d) exist in the unit. A copy of the resolution certified by the clerk of the fiscal body is admissible in evidence in any proceeding."

Page 223, line 15, after "IC 16-41-40-1;" insert "IC 31-9-2-41.2;"

Renumber all SECTIONS consecutively.

(Reference is to SB 132 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

MILLER, Chair

Report adopted.

Senator Garton yielded the gavel to Senator Wyss.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 18, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 12-24-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Each ~~patient in a state institution and the responsible parties of the patient, individually or collectively,~~ shall pay for the ensuing fiscal year an

~~amount not to exceed the per capita cost at that state institution.~~
establish a charge structure for institutional services and treatment. The charge structure must be approved by the director of the division before July 1 of each year and, once approved, the charge structure must be effective for the following state fiscal year.

(b) Except as provided in section 5 of this chapter, each patient in a state institution and the responsible parties, individually or collectively, are liable for the payment of the ~~cost of charges for the~~ treatment and maintenance of the patient.

SECTION 2. IC 12-24-13-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. If a patient in a state institution has insurance coverage that covers hospitalization or medical services in psychiatric hospitals, all benefits under the insurance coverage ~~in an amount not to exceed the cost of treatment and maintenance of the patient;~~ shall be assigned to the appropriate division.

SECTION 3. IC 12-24-13-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The appropriate division shall issue to any party liable under this chapter for any type of psychiatric service statements of sums due as maintenance charges. The division shall require the liable party to pay monthly, quarterly, or otherwise as may be arranged an amount not exceeding the maximum ~~cost charge~~ as determined under this chapter.

SECTION 4. IC 12-24-13-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. The estate of a patient who receives care, treatment, maintenance, or any other service furnished by the division at the state's expense is liable for payment ~~of the cost of the charges as determined under this chapter~~ for the service. The estate is exempt from the requirements of section 10 of this chapter or any part of this chapter directly in conflict with the intent of the chapter to hold a patient's estate liable for payment.

SECTION 5. IC 12-24-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The billing and collection of maintenance ~~expenses~~ **charges** under this article shall be made by the division or a unit of the division designated by the director.

SECTION 6. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 12-24-13-3; IC 12-24-13-8; IC 12-24-13-9.

SECTION 7. **An emergency is declared for this act.**

(Reference is to SB 18 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Health and Provider Services.

GARTON, Chairperson

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 33, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 29-3-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. "Volunteer advocate for ~~seniors~~ **incapacitated adults**" means an individual

who:

- (1) is a volunteer;
- (2) has completed a limited guardian training program approved by a court;
- (3) is supervised by a community volunteer advocates for **seniors incapacitated adults** program;
- (4) is appointed by a court to serve as a limited guardian for an incapacitated person or protected person who is at least ~~fifty-five (55)~~ **eighteen (18)** years of age; and
- (5) provides reports and makes recommendations to a court.

SECTION 2. IC 29-3-8.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. A court in a proceeding under this article may appoint a volunteer advocate for **seniors incapacitated adults**.

SECTION 3. IC 29-3-8.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. A volunteer advocate for **seniors incapacitated adults** shall submit to the court:

- (1) a progress report fifteen (15) days after the date of appointment describing the matters required by the court; and
- (2) a final report sixty (60) days after the date of appointment:
 - (A) describing the matters required by the court; and
 - (B) making recommendations to the court as to whether a need exists for continued representation of the incapacitated or protected person.

SECTION 4. IC 29-3-8.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. A volunteer advocate for **seniors incapacitated adults** shall:

- (1) serve as a limited guardian to represent and protect the interests of an incapacitated or protected person who is at least ~~fifty-five (55)~~ **eighteen (18)** years of age;
- (2) investigate and gather information regarding the health, welfare, and financial circumstances of the incapacitated or protected person, as directed by a court;
- (3) facilitate and authorize health care, social welfare, and residential placement services as needed by the incapacitated or protected person;
- (4) advocate for the rights of the incapacitated or protected person;
- (5) facilitate legal representation for the incapacitated or protected person; and
- (6) perform any other duty required by a court.

SECTION 5. IC 29-3-8.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. A volunteer advocate for **seniors incapacitated adults** may:

- (1) consent to medical and other professional care and treatment for the incapacitated or protected person's health and welfare;
- (2) secure the appointment of a guardian or coguardian in another state;
- (3) take custody of the incapacitated or protected person and establish the person's place of abode within Indiana or another state in accordance with IC 29-3-9-2;
- (4) institute proceedings or take other appropriate action to compel the performance by any person of a duty to support the incapacitated or protected person's health or welfare; and
- (5) delegate to the incapacitated or protected person certain responsibilities for decisions affecting the person's business affairs and well-being.

SECTION 6. IC 29-3-8.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. If a court appoints

an individual to serve as a volunteer advocate for **seniors incapacitated adults**, the appointment shall be for a period of sixty (60) days. After the initial sixty (60) day period, the court may, upon petition by the volunteer or upon the court's own motion, extend the appointment for a period as determined by the court to be necessary to protect the interests of the incapacitated or protected person.

SECTION 7. IC 29-3-8.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. A volunteer advocate for **seniors incapacitated adults** is considered an officer of the court for the purpose of representing the interests of an incapacitated or protected person.

SECTION 8. IC 29-3-8.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The court may appoint an attorney to represent a volunteer advocate for **seniors incapacitated adults**.

SECTION 9. IC 29-3-8.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. Except for gross misconduct:

- (1) a volunteer advocate for **seniors incapacitated adults** program that;
- (2) an employee of a volunteer advocates for **seniors incapacitated adults** program who; or
- (3) a volunteer for a volunteer advocates for **seniors incapacitated adults** program who;

performs duties in good faith is immune from any civil liability resulting from the program's, employee's, or volunteer's performance.

SECTION 10. IC 29-3-8.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. A volunteer advocate for **seniors incapacitated adults** under this chapter is not authorized to consent to or refuse health care (as defined in IC 16-36-1-1) for an individual if:

- (1) a spouse, a parent, an adult child, or an adult sibling of the individual or the individual's religious superior, if the individual is a member of a religious order, is available, capable, and suitable to consent to or refuse the health care on behalf of the individual; or
- (2) the individual has previously:
 - (A) appointed a health care representative under IC 16-36-1;
 - (B) authorized health care under IC 16-36-1.5, IC 16-36-4, or IC 16-36-5;
 - (C) executed a power of attorney under IC 30-5-4; or
 - (D) had a guardian appointed by the court under IC 29-3.

SECTION 11. IC 29-3-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. A guardian (other than a temporary guardian) or volunteer advocate for **seniors incapacitated adults** appointed under IC 29-3-8.5 may, with the approval of and under such conditions as may be imposed by the court after notice and hearing, change the physical presence of the protected person to another place in Indiana or to another state if the court finds that such a change is in the best interests of the protected person. Upon such a change, the guardianship may be limited or terminated by the court.

SECTION 12. IC 34-30-2-125.5, AS AMENDED BY P.L.2-2005, SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 125.5. IC 29-3-8.5-8 (Concerning a volunteer advocate for **seniors incapacitated adults**).

(Reference is to SB 33 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Judiciary.

GARTON, Chairperson

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 35, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 36-7-4-610 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 610. (a) After adoption of a zoning ordinance under section 606 of this chapter, the plan commission shall publish a notice of adoption in accordance with IC 5-3-1. The notice of adoption (which the plan commission shall have prepared) must:

- (1) summarize the subject matter of the ordinance;
- (2) give the date of adoption;
- (3) specify the places or areas that would be directly affected by the ordinance (this subdivision does not require the identification of any real property by metes and bounds);
- (4) specify the penalty or forfeiture prescribed for a violation of the ordinance; and
- (5) give two (2) locations open to the public where the entire text of the ordinance is available for inspection.

(b) After adoption of a zoning ordinance under section 606 or 607 of this chapter, the plan commission shall print the text of the ordinance in book or pamphlet form (or arrange for the inclusion of the zoning ordinance in the code of ordinances printed by the unit under IC 36-1-5), and no other printing or publication of any zoning ordinance is required. Printing of the text of a zoning ordinance in compliance with this subsection constitutes presumptive evidence:

- (1) of the text of the ordinance that is contained in the code of ordinances, book, or pamphlet (and supplement, if any);
- (2) of the date of adoption of the ordinance, and of any amendment to the ordinance that is contained in the code of ordinances, book, or pamphlet (and supplement, if any); and
- (3) that the ordinance, along with any amendment to the ordinance that is contained in the code of ordinances, book, or pamphlet (and supplement, if any), has been properly signed, attested, and recorded.

(c) Zone maps incorporated by reference into the zoning ordinance are not required to be printed in the code of ordinances, book, or pamphlet printed under this section, but the plan commission shall keep them available at its office for public inspection.

(d) Unless a zoning ordinance provides for a later effective date, the ordinance takes effect when it is adopted under section 606, 607, or 608 of this chapter, subject to ~~subsection (c)~~ **subsections (e) and (h).**

(e) When a provision prescribing a penalty or forfeiture for a violation is printed under this section, it may not take effect until fourteen (14) days after the later of the following:

- (1) The final day on which notice of its adoption is published under subsection (a).
- (2) The day on which it is filed in the clerk's office under subsection (f).

(f) A zoning ordinance is not required to be included in the code of ordinances printed by a unit under IC 36-1-5. However, if the zoning ordinance is not included in that code, then two (2) copies of the book or pamphlet (and supplement, if any) printed under this section shall

be filed in the office of the clerk of each participating legislative body, and these copies shall be kept on file in that office for public inspection.

(g) If the zoning ordinance is not included in the code of ordinances, the clerk shall keep additional copies of the book or pamphlet (and supplement, if any) in the office for the purpose of sale or distribution. However, if the zoning ordinance is included in the code of ordinances, copies of the zoning ordinance shall also be made available to the public in accordance with IC 5-14-3.

(h) A zoning ordinance that is adopted under section 606, 607, or 608 of this chapter without the written consent of an affected property owner that has the effect of materially altering the development standards applicable to the affected property owner's property or prohibiting a use previously permitted on the affected property owner's property is not effective or binding on the affected property owner or the affected property owner's property until the earlier of:

(1) three (3) years after the date of adoption of such zoning ordinance; or

(2) the date fee simple title to the affected property is conveyed to a subsequent owner.

SECTION 2. **An emergency is declared for this act.**

(Reference is to SB 35 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Judiciary.

GARTON, Chairperson

Report adopted.

REPORT OF THE PRESIDENT
PRO TEMPORE

Madam President: Pursuant to Senate Rule 65(b), I hereby report that, Senate Bill 339, currently assigned to the Committee on Corrections, Criminal, and Civil Matters, be reassigned to the Committee on Insurance and Financial Institutions.

GARTON

Report adopted.

REPORT OF THE PRESIDENT
PRO TEMPORE

Madam President: Pursuant to Senate Rule 65(b), I hereby report that, Senate Bill 373, currently assigned to the Committee on Appropriations, be reassigned to the Committee on Judiciary.

GARTON

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 17

House Concurrent Resolution 17, sponsored by Senator Lubbers:

A CONCURRENT RESOLUTION honoring Butler University on the occasion of the 150th anniversary of its founding.

Whereas, In 1855, two professors, some assistant teachers, and 20 students walked through the doors of Butler University and began

what was to become years of academic excellence and innovation;

Whereas, Because there were no high schools or adequate private academies, Butler University operated its own preparatory department until 1907, enrolling 60 students and another 54 in the prep classes the first year;

Whereas, Butler University was originally called North Western Christian University and was located at 18th Street and College Avenue;

Whereas, From its creation, the school began establishing unheard of precedents, including admitting women on an equal basis with men, admitting students representing minorities, and allowing students, with parental consent, to choose subjects suited to their needs under a new "elective" system;

Whereas, Butler University also appointed Catharine Merrill as Demia Butler professor, and she became the first female professor of English literature in Indiana in 1870, making Butler the first in the nation to establish an endowed chair specifically for a female professor and only the second university to appoint a woman to the faculty;

Whereas, In 1875, the board of directors sold the downtown campus and moved the campus to Irvington;

Whereas, In 1879 the school became known as Butler University in honor of Ovid Butler, a prominent Indianapolis attorney and abolitionist who wrote the university's charter in 1850;

Whereas, Butler University continued to grow, adding the College of Education in 1930, the College of Business Administration in 1937, the College of Pharmacy in 1945, and the Jordan College of Music in 1951;

Whereas, To keep up with the growing needs of the academic community, Butler began offering evening courses in 1899, established a summer session in 1905, and created a graduate division in 1932; and

Whereas, Butler University will continue to grow on the solid foundation laid by its founders in 1855 and will continue to offer visionary ideas and innovative academic concepts to its students: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates Butler University on the 150th anniversary of its founding and recognizes its many contributions to the city of Indianapolis and the state of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Butler University president Dr. Bobby Fong.

Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 22

House Concurrent Resolution 22, sponsored by Senator Paul:

A CONCURRENT RESOLUTION honoring Richmond, Indiana, on the occasion of the 200th anniversary of its founding.

Whereas, Richmond was originally founded by North Carolina Quakers John Smith and Jeremiah Cox who settled along the Whitewater River in 1806;

Whereas, John Smith opened the first general store south of present day Main Street, and Jeremiah Cox built the first grist mill on land north of present day Main Street;

Whereas, In 1818, Jeremiah Cox was convinced that a town would inevitably be at that site and joined John Smith to form a town;

Whereas, On September 1, 1818, 24 qualified voters of the settlement met and voted to incorporate the town, naming it Richmond;

Whereas, The National Road, now U.S. 40, was surveyed to Richmond in 1827;

Whereas, A covered bridge across the Whitewater River in the Whitewater Valley Gorge was completed in 1836, alleviating a barrier to westward expansion;

Whereas, Earlham College, which is recognized today as one of the nation's best liberal arts colleges, was established by the Society of Friends in 1847;

Whereas, The first locomotive entered Richmond in March 1853, and the rail line was extended in 1854 to reach New Castle and, eventually, Chicago;

Whereas, The first library was established in 1864 by one of the earliest merchants, Robert Morrison, at a cost of \$20,000;

Whereas, In 1881, Richmond became the "Rose City" when E.G. Hill and his father, Joseph, began a general floral catalogue business that eventually became one of the world's largest producers of roses;

Whereas, By the early 20th century, Richmond had grown steadily in size, accomplishment, and confidence;

Whereas, Products manufactured such as Starr pianos, a variety of motor vehicles, McGuire lawnmowers, Gennett recordings, and Hill roses found world markets;

Whereas, A tragic explosion in 1968, which took 41 lives and did \$15,000,000 in damages, brought determined city leaders, merchants, and citizens together to create a new sense of community and a new downtown;

The resolution was read in full and adopted by voice vote. The

Whereas, Richmond is considered the Eastern Gateway of Indiana and, because of its ideal location along Interstate 70 on the border of Indiana and Ohio, has continued to offer its residents many great cultural, educational, and economic opportunities; and

Whereas, The residents of Richmond should be extremely proud of their city, which has continued to grow and develop into a world class community as it sets an example for cities throughout the United State of America: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates the residents of Richmond on the occasion of the 200th anniversary of the city's founding.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Mayor Sally Hutton.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 21

House Concurrent Resolution 21, sponsored by Senators Smith, Rogers, Breaux, and Howard:

A CONCURRENT RESOLUTION honoring Reverend James R. Flint, Jr.

Whereas, Reverend James R. Flint, Jr. has dedicated his life to helping people live a Christian life;

Whereas, The objective set forth by Reverend Flint is to teach the principles of Christian living and to inform others that the Bible can show all how to live victoriously;

Whereas, Reverend James R. Flint, Jr. strives to stay Biblically rooted and spiritually directed while remaining current with the time;

Whereas, It is the goal of Reverend James R. Flint, Jr. to stay fresh and innovative in method in order to minister to the masses seeking direction in a transitional world; and

Whereas, Reverend James R. Flint, Jr. has graced the Indiana Black Legislative Caucus' eleventh annual Prayer and Praise Breakfast and has inspired all present to live a Christian life: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly acknowledges the contributions made by Reverend James R. Flint, Jr. and thanks him for his hours of dedicated service.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Reverend James R. Flint, Jr. and his family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bill 1013 and the same is herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 7 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 17, 18, 19, 20, 21, and 22 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure reports that, pursuant to Senate Rule 33(c), the following technical correction is to be made to Engrossed Senate Bill 40.

Page 6, line 12, after "FOLLOWS" insert "[EFFECTIVE JULY 1, 2006]".

(Reference is to Engrossed Senate Bill 40 as reprinted January 18, 2006.)

GARTON

Report adopted.

SENATE BILLS ON SECOND READING

Senate Bill 73

Senator Long called up Senate Bill 73 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 84

Senator Long called up Senate Bill 84 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 172

Senator Lubbers called up Senate Bill 172 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 172-1)

Madam President: I move that Senate Bill 172 be amended to read as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert: "SECTION 1. IC 20-28-1-2, AS ADDED BY P.L.246-2005, SECTION 133, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. "Applicant" refers to an applicant for:

- (1) a new license;
- (2) a renewal license; ~~or~~
- (3) a substitute teacher certificate; ~~or~~
- (4) a transition to teaching permit;**

issued by the department."

Page 2, delete line 1.

Page 2, line 2, delete "(d) This subsection" and insert "SECTION 2. IC 20-28-4-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 11. (a) This section**".

Page 2, line 3, delete "geographic area;" and insert "**school corporation;**".

Page 2, line 6, after "teachers." begin a new paragraph and insert "**(b)**".

Page 2, line 8, delete "an individual who is in the process of obtaining" and insert "**a program participant**".

Page 2, delete line 9.

Page 2, line 10, delete "to teaching program established by IC 20-28-4-2".

Page 2, line 10, delete "individual" and insert "**program participant**".

Page 2, line 11, delete "geographic area" and insert "**school corporation**".

Page 2, line 12, delete "subsection" and insert "**section**".

Page 2, delete lines 13 through 15, begin a new paragraph and insert:

"(c) Before employing a program participant under subsection (b), the superintendent of the school corporation must make a determination that one (1) of the following conditions exists:

- (1) There is no fully certified and highly qualified teacher available for the position.**
- (2) The program participant is the best qualified candidate for the position.**

(d) A program participant who is employed under this section is eligible to receive a transition to teaching permit. The transition to teaching permit is valid for three (3) years, and may not be renewed. IC 20-28-5-9 applies to a program participant who applies for a transition to teaching permit.

(e) A program participant who is employed under this section:

- (1) shall enter into either:**
 - (A) a regular teacher's contract under IC 20-28-6-5; or**
 - (B) a temporary teacher's contract under IC 20-28-6-6;**
- (2) is eligible to participate in a mentor teacher program; and**
- (3) satisfies the field or classroom experience component of the program under section 4(3) of this chapter.**

(f) The state board:

(1) shall review; and

(2) may renew;

the designation of a school corporation or a subject area as having an insufficient supply of licensed teachers not more than two (2) years following the initial designation under subsection (a)."

Renumber all SECTIONS consecutively.

(Reference is to SB 172 as printed January 13, 2006.)

LUBBERS

Motion prevailed. The bill was ordered engrossed.

**ENGROSSED SENATE BILLS
ON THIRD READING**

Engrossed Senate Bill 5

Senator Steele called up Engrossed Senate Bill 5 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 9: yeas 47, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ulmer and Grubb.

Engrossed Senate Bill 39

Senator Ford called up Engrossed Senate Bill 39 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 10: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Thomas, Duncan, Summers, and Kersey.

Engrossed Senate Bill 40

Senator Ford called up Engrossed Senate Bill 40 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 11: yeas 48, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Duncan, Thomas, Summers, and Kersey.

SENATE MOTION

Madam President: I move that Senator Garton be removed as

author of Senate Bill 33 and that Senator Alting be substituted therefor.

GARTON

Motion prevailed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 47

Senator Hershman called up Engrossed Senate Bill 47 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 12: yeas 48, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative McClain.

Engrossed Senate Bill 69

Senator Weatherwax called up Engrossed Senate Bill 69 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 13: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Koch, Borror, Bischoff, and Stilwell.

Engrossed Senate Bill 102

Senator Becker called up Engrossed Senate Bill 102 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 14: yeas 48, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Foley and Van Haaften.

Engrossed Senate Bill 105

Senator Rogers called up Engrossed Senate Bill 105 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 15: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Duncan, V. Smith, C. Brown, and Tyler.

Engrossed Senate Bill 111

Senator Becker called up Engrossed Senate Bill 111 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 16: yeas 42, nays 7. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives T. Brown, C. Brown, and Budak.

Engrossed Senate Bill 201

Senator Riegsecker called up Engrossed Senate Bill 201 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 17: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Walorski, Ulmer, and Neese.

Engrossed Senate Bill 231

Senator Alting called up Engrossed Senate Bill 231 for third reading:

A BILL FOR AN ACT concerning education finance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 18: yeas 35, nays 14. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Behning, Klinker, T. Brown, and Micon.

Engrossed Senate Bill 259

Senator Kenley called up Engrossed Senate Bill 259 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its

passage. The question was, Shall the bill pass?

Roll Call 19: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Espich.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 14

House Concurrent Resolution 14, sponsored by Senators Rogers, Smith, Howard, and Breaux:

A CONCURRENT RESOLUTION commemorating Martin Luther King, Jr. Day.

Whereas, Dr. Martin Luther King, Jr. was one of our nation's truly great leaders;

Whereas, Dr. Martin Luther King, Jr. had many dreams: of an America where "justice rolls down like waters and righteousness like a mighty stream"; of an America where neighbors look "beyond the external accidents and discern those inner qualities that make all men human and, therefore, brothers"; of a time when "this nation will rise up and live out the true meaning of its creed, "we hold these truths to be self evident: that all men are created equal";

Whereas, Dr. Martin Luther King, Jr. had a dream for a better society -- a dream where "the sons of former slaves and the sons of former slave owners will be able to sit together at the table of brotherhood";

Whereas, The visions of Dr. Martin Luther King, Jr. continue to bring hope and inspiration to people of all nations;

Whereas, All Americans must continue to gather inspiration from the life of Dr. Martin Luther King, Jr. and strive to realize his dreams: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That it is fitting and proper that Dr. Martin Luther King, Jr. be remembered and recognized by future generations of Americans.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1021, 1023, 1103, 1106, 1111, 1114, and 1150 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Engrossed Senate Bill 105.

ROGERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as coauthor of Senate Bill 310.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Simpson and Craycraft be added as coauthors of Senate Bill 365.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Gard be added as coauthor of Engrossed Senate Bill 69.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Craycraft be added as coauthor of Engrossed Senate Bill 47.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be added as coauthor of Engrossed Senate Bill 102.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as coauthor of Senate Bill 106.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Riegsecker be added as coauthor of Senate Bill 106.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be added as second author of Senate Bill 100.

JACKMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Nugent be added as second author of Senate Bill 86.

JACKMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Sipes be added as second author of Senate Bill 24.

JACKMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 18 and that Senator Miller be substituted therefor.

GARTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 35 and that Senator Long be substituted therefor.

GARTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Lewis and Mrvan be added as coauthors of Senate Bill 383.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Heinold be added as coauthor of Senate Resolution 3.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Craycraft be added as second author and Senators M. Young, Mishler, Zakas, Paul, Dillon, Drozda, Jackman, Heinold, Gard, Kruse, Nugent, Long, Meeks, Wyss, Riegsecker, Weatherwax, Hershman, and Bray be added as coauthors of Engrossed Senate Bill 5.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lewis be added as coauthor of Senate Bill 70.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Simpson and Hume be added as coauthors of Senate Bill 345.

MEEKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Senate Bill 162.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lawson be added as coauthor of Senate Bill 88.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Becker, M. Young, and Bowser be added as coauthors of Senate Bill 340.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Dillon be added as coauthor of Senate Bill 340.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as second author of Senate Bill 258.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lubbers be added as coauthor of Senate Bill 370.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as coauthor of Senate Bill 147.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Landske be added as coauthor of Senate Bill 151.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be removed as coauthor of Senate Bill 6.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mrvan be removed as coauthor of Senate Bill 6.

MRVAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be removed as coauthor of Senate Bill 6.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be added as second author and Senators Meeks, Bray, Wyss, Mrvan, Zakas, Miller, M. Young, Lanane, Bowser, and Kruse be added as coauthors of Senate Bill 6.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as coauthor of Senate Bill 246.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as coauthor of Senate Bill 154.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Broden and Lanane be added as coauthors of Senate Bill 84.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Wyss be added as coauthor of Senate Bill 12.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as coauthor of Engrossed Senate Bill 111.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Senate Bill 139.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Landske, Paul, Wyss, and M. Young be added as coauthors of Senate Resolution 3.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be removed as author of Senate Bill 213 and that Senator Dillon be substituted therefor.

BRODEN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be added as coauthor of Senate Bill 331.

BRODEN

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, January 23, 2006.

GARTON

Motion prevailed.

January 19, 2006

Senate 183

The Senate adjourned at 3:45 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate